

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Washington, Friday, February 15, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL HOUSING ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER § 6.142 (c) (7) is amended to read as follows:

§ 6.142 *Housing and Home Finance Agency.*

(c) *Federal Housing Administration.*

(7) NC/PD. Until December 31, 1952, eighty Field Directors (State, District, and Territorial).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1949, 13 F. R. 3600; 3 CFR, 1949 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-1887; Filed, Feb. 14, 1952; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MASSACHUSETTS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of Massachusetts.

MASSACHUSETTS

County	Average value	Investment limit
Nantucket.....	\$15,000	\$12,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b).)

Issued this 11th day of February, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-1869; Filed, Feb. 14, 1952; 8:45 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 3—DEBT SETTLEMENT

TERMINATION OF DEPARTMENTAL REVIEW COMMITTEE

Part 3, Title 7, Subtitle A is amended by deleting § 3.7 *Departmental Review Committee.*

(Sec. 1, 58 Stat. 836; 12 U. S. C. 1150)

Dated: February 11, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-1870; Filed, Feb. 14, 1952; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5634]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MIDDLE ATLANTIC DISTRIBUTORS, INC. ET AL.

Subpart—*Maintaining resale prices:*
§ 3.1130 *Contracts and agreements;*
§ 3.1140 *Cutting off supplies;* § 3.1155
Price schedules and announcements;
§ 3.1160 *Refusal to sell;* § 3.1165 *Systems of espionage.* In connection with the offering for sale, sale and distribution of whiskies or other alcoholic beverages

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In the District of Columbia, (1) entering into or enforcing any agreement or understanding, verbal or written, with any retail dealer or other distributor concerning the price at which any said products are to be resold by such retail dealer or other distributor; or, (2) obtaining or attempting to obtain from any retail dealer or other distributor, as a condition precedent to the sale of said products to such retail dealer or other distributor, any agreement, understanding, or promise concerning the price at which any of said products are to be resold by such retail dealer or other distributor; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Middle Atlantic Distributors, Inc., et al., Docket 5634, December 7, 1951]

In the Matter of Middle Atlantic Distributors, Inc., a Corporation; Paul H. Coughlin, President and Director; Murdoch J. Finlayson, Vice President and Director; William R. Lichtenberg, Secretary and Director; Individually and as Officers and Directors of Middle Atlantic Distributors, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence in support of the allegations of the complaint introduced before a trial examiner of the Commission theretofore duly designated by it (no testimony having been introduced in opposition to the allegations of the complaint), recommended decision of the trial examiner and exceptions thereto, and brief and oral argument of counsel; and the Commission having made its findings as to the facts¹ and its conclusion¹ that the respondents Middle Atlantic Distributors, Inc., and Paul H. Coughlin have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Middle Atlantic Distributors, Inc., a corporation, its officers, and the respondent Paul H. Coughlin, individually and as an officer of said corporate respondent, and said respondents' respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of whiskies or other alcoholic beverages in the District of Columbia, do forthwith cease and desist from:

¹ Filed as part of the original document.

(1) Entering into or enforcing any agreement or understanding, verbal or written, with any retail dealer or other distributor concerning the price at which any of said products are to be resold by such retail dealer or other distributor.

(2) Obtaining or attempting to obtain from any retail dealer or other distributor, as a condition precedent to the sale of said products to such retail dealer or other distributor, any agreement, understanding, or promise concerning the price at which any of said products are to be resold by such retail dealer or other distributor.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondents Murdoch J. Finlayson and William R. Lichtenberg.

It is further ordered, That the respondents Middle Atlantic Distributors, Inc., and Paul H. Coughlin shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 7, 1951.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-1690; Filed, Feb. 14, 1952; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 135—COLOR CERTIFICATION

FEES

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706, 52 Stat. 1058; 21 U. S. C. 376), the regulations for the certification of coal-tar colors (21 CFR 135), as amended (21 CFR, 1950 Supp., 135) are further amended as indicated below:

In § 135.15 Fees, paragraph (a) (1) is amended to read as follows:

(a) (1) The fee for the services provided by the regulations in this part, in the case of each request for certification submitted in accordance with § 135.8 (b), shall be 10 cents per pound of the batch covered by such request; but no such fee shall be less than \$75.00.

This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the fees set forth in the order are necessary in order to provide, maintain, and equip an adequate service for the listing and certification of coal-tar colors.

(Sec. 706, 52 Stat. 1058; 21 U. S. C. 376)

Dated: February 11, 1952.

[SEAL]

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-1586; Filed, Feb. 14, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 21]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 21—CEILING PRICES FOR SMALL ARMS AMMUNITION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 21 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 22 establishes manufacturers' ceiling prices for small arms ammunition for nondefense use, replacing the ceiling prices previously established under sections 3 and 30 to 34, inclusive, of CPR 22.

Data submitted by manufacturers of small arms ammunition has demonstrated that the ceiling prices established by CPR 22 have substantially changed the industry's historical pricing pattern. This dislocation is caused by the fact that CPR 22 establishes ceiling prices for individual manufacturers based upon their individual increases in materials and labor costs from the end of their respective base periods to the prescribed cutoff dates. Although the cost adjustments calculated by manufacturers in this industry do not differ widely, the differences are sufficient to alter the price relationships which existed prior to the imposition of price controls on January 26, 1951.

This supplementary regulation avoids the differences resulting from the use of individual price adjustments by establishing a uniform price adjustment ratio for the entire industry. OPS Public Forms No. 8 and supporting worksheets have been filed by what are believed to be all manufacturers in the industry. On the basis of the information contained therein, it appears that under Supplementary Regulation 2, CPR 22, existing ceiling prices for the manufacturers in the industry are at levels ranging from 94.75 percent to 97.1 percent of their ceiling prices under the General Ceiling Price Regulation. The 96.38 percent industry-wide ratio established by this supplementary regulation represents the average of these individual factors weighted in accordance with the 1950 dollar sales of the manufacturers affected. Thus, this supplementary regulation establishes ceiling prices in accordance with the principles embodied in CPR 22 and at the same time enables the industry to continue its prior pricing practices.

This supplementary regulation establishes present day ceiling prices only for products which were also sold or offered for sale during the period from July 1, 1949, to June 24, 1950, inclusive. Ceiling prices for small arms ammunition

not sold or offered for sale during that period must be established in accordance with sections 30 to 34 of CPR 22. In applying these sections, the reference ceiling prices used must be those established by this supplementary regulation.

A reporting provision is contained in section 5 which requires each manufacturer of small arms ammunition to file with OPS a list of his ceiling prices established under this regulation.

This supplementary regulation does not affect existing exemptions from price control of ammunition sold to defense agencies or for use in connection with a defense contract or subcontract.

In formulating this regulation, the Director has consulted with representatives of every known manufacturer in the industry and has given full consideration to their recommendations. In his judgment the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Sellers covered by this supplementary regulation.
3. Ceiling prices for ammunition dealt in between July 1, 1949 and June 24, 1950.
4. Ceiling prices for all other ammunition.
5. Reports.
6. Definitions.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended, 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this supplementary regulation does. This supplementary regulation establishes ceiling prices for small arms ammunition, replacing those previously established under sections 3 and 30 to 34 inclusive, of CPR 22. Exemptions from price control of sales of ammunition to defense agencies or for use in connection with a defense contract or subcontract are not affected. All provisions of CPR 22 not inconsistent with this supplementary regulation remain in effect. Ceiling prices established under this supplementary regulation may be adjusted under Supplementary Regulations 17 or 18 to CPR 22.

Sec. 2. Sellers covered by this supplementary regulation. This supplementary regulation applies to you if you are a manufacturer of small arms ammunition covered by CPR 22.

Sec. 3. Ceiling prices for ammunition dealt in between July 1, 1949 and June 24, 1950. Your ceiling prices for sales of small arms ammunition which you sold or offered for sale between July 1, 1949 and June 24, 1950 are 96.38 percent of your GCPR ceiling prices. These ceiling prices must be consistent in every respect with your GCPR ceiling prices. They must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

Sec. 4. Ceiling prices for all other ammunition. If you are unable to establish a ceiling price for any sale of small arms ammunition under section 3 of this supplementary regulation, you must establish such ceiling price in accordance with sections 30, 31, 32, 33 or 34 of CPR 22. A number of these sections require you in varying ways to determine a ceiling price by reference to the ceiling price of another commodity called here, for convenience, your "reference commodity." In applying these sections, use as the ceiling price of the reference commodity a ceiling price determined under this supplementary regulation.

Sec. 5. Reports. Within 30 days after the effective date of this supplementary regulation, you must submit to the Consumer Durable Goods Division, Office of Price Stabilization, Washington 25, D. C., a list of your ceiling prices established under this supplementary regulation. This information may be given in any way convenient to you, including price lists.

Sec. 6. Definitions.—(a) GCPR. This means General Ceiling Price Regulation. **(b) CPR 22.** This means Ceiling Price Regulation 22.

Effective date. This supplementary regulation shall become effective February 19, 1952.

NOTE: The reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director,
Office of Price Stabilization.

FEBRUARY 14, 1952.

[F. R. Doc. 52-1954; Filed, Feb. 14, 1952, 11:46 a. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 21]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 22—CEILING PRICES OF MANUFACTURERS OF BUILDERS' HARDWARE

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Public Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 22 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides three uniform adjustment factors which all manufacturers of builders' hardware may apply uniformly to ceiling prices established under the General Ceiling Price Regulation. Each of these adjustment factors is applicable to General Ceiling Price Regulation prices of products falling within a different category. The categories and the applicable adjustment factors are shown in the following table:

Factor applicable to
GCPR ceilings
(percent)

Category:	
Hangers, Tracks and Garage Door	
Hardware	102.0
Butts and Hinges	103.0
General Builders' Hardware	103.5

Customarily most of the products of this industry are listed by competitors at uniform prices and sold at discounts which vary for different classes of purchasers. The manufacturers' general ceiling price regulation, Ceiling Price Regulation 22, which covers this industry, because it relates ceiling prices to the individual manufacturer's cost experience between pre-Korea base dates and cutoff dates specified in the regulation, has resulted in ceiling prices which vary from manufacturer to manufacturer; thus altering the price relationship which has existed in the past.

Each manufacturer in the builders' hardware industry produces thousands of items which find their way to the shelves of resellers who in turn deal with building contractors and home owners. Although these items are sold under trade names, they are frequently interchangeable in character. Hardware dealers who price separately thousands of products—many of them interchangeable—are faced with a difficult problem of compliance with Office of Price Stabilization regulations. This may be expected to result in undue enforcement complexities on the part of the Agency. The application of uniform price increase factors provided by this regulation will, by maintaining established pricing patterns in the industry, contribute to compliance and enforcement.

The uniform price adjustment ratios established by this regulation were determined from an examination of the individual price adjustment ratios of samples of manufacturers producing goods in each of the categories effected. Hangers, tracks and garage door hardware data submitted by manufacturers accounting for more than 50 percent of the 1950 sales of the industry were studied. To determine the adjustment factors for the butts and hinges group and the general builders' hardware group, data submitted by firms selling more than 60 percent of the total sales of each of these groups were studied.

A tailored regulation covering the builders' hardware industry is now under advisement by the Office of Price Stabilization. Pending such action after a detailed study of costs, this supplementary regulation is being issued as an interim measure.

In formulating this supplementary regulation the Director of Price Stabilization has consulted formally with members of the Builders' Hardware Industry Advisory Committee at meetings held on June 23, 1951, and September 21, 1951, and informally with other industry members. Recommendations made at the Industry Advisory Committee meetings and by other members of the industry have been given consideration.

In general, this supplementary regulation does not operate to compel changes in business practices, cost practices, or methods established in the industry.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Coverage.
3. Ceiling prices.
4. Relation to CPR 22.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this supplementary regulation does. This supplementary regulation establishes ceiling prices for sales by manufacturers of builders' hardware. The method provided is to apply to the General Ceiling Price Regulation (GCPR) ceiling price of each of the three basic manufacturing groups within the industry a group-wide adjustment ratio.

Sec. 2. Coverage—(a) Persons covered. If you are a manufacturer of builders' hardware, this supplementary regulation applies to you and establishes your ceiling prices for your sales of the commodities listed in Appendixes A, B, and C of this supplementary regulation which you manufacture. Except to the extent that they are inconsistent with the provisions of this supplementary regulation, all provisions of Ceiling Price Regulation 22 (CPR 22) shall continue to be applicable to you.

(b) Commodities covered. This supplementary regulation covers builders' hardware as listed in Appendixes A, B, and C hereof. These appendixes have been arranged in accordance with the three basic groups of manufacturers in this industry. For identification purposes, they are referred to as the Butt and Hinge Group, the Hanger, Track and Garage Door Group, and the General Builders' Hardware Group.

Sec. 3. Ceiling prices.—(a) Butt and Hinge Group. If you are a manufacturer of any of the commodities listed in Appendix A of this supplementary regulation, your ceiling price for the sale of any of these commodities is your ceiling price in effect under the GCPR increased by 3 percent (i. e., 103 percent of your GCPR ceiling price).

(b) Hanger, Track and Garage Door Group. If you are a manufacturer of any of the commodities listed in Appendix B of this supplementary regulation, your ceiling price for the sale of any of these commodities is your ceiling price in effect under the GCPR increased by 2 percent (i. e., 102 percent of your GCPR ceiling price).

(c) General Builders' Hardware Group. If you are a manufacturer of any of the commodities listed in Appendix C of this supplementary regulation, your ceiling price for the sale of any of these commodities is your ceiling price in effect under the GCPR increased by 3½ percent (i. e., 103.5 percent of your GCPR ceiling price).

(d) Rounding ceiling prices. You may round your ceiling prices determined under this section so that they will be expressed in the nearest cent or fraction of a cent you normally employ. For example, if you normally quote to the nearest half of a cent and your ceiling

price for commodity A is 82.40 cents, you may round that ceiling price to 82½ cents. However, if your ceiling price for commodity B is 91.24 cents you must round its ceiling price to 91 cents. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding.

(e) Terms and conditions of sale. Your ceiling price for the sale of any item listed in Appendixes A, B, or C as established under this regulation must be consistent in every respect with your GCPR price; that is, it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

Sec. 4. Relation to Ceiling Price Regulation 22—(a) Mandatory effect of this supplementary regulation. Notwithstanding any provisions of CPR 22 or of any other regulation to the contrary, the provisions of this supplementary regulation are mandatory subject to the limitation found in paragraph (b) of this section. You must apply this supplementary regulation to all commodities listed in Appendixes A, B, and C which you manufacture. The establishment of ceiling prices for those commodities listed in Appendixes A, B, and C does not affect the applicability of CPR 22 or any other regulation which may be appropriate to any other commodities which you manufacture.

(b) Relation to SR 17, SR 18. Notwithstanding any provision of this supplementary regulation you may elect to use SR 17 or SR 18 to CPR 22 to establish your ceiling prices. If you do so elect you must use the provisions of CPR 22 to establish your ceiling prices, and you may use the provisions of SR 2 to CPR 22 to the extent provided by SR 17 or SR 18. You may not, in the event you use SR 17 or SR 18, use the provisions of this supplementary regulation.

Effective date. This supplementary regulation shall become effective February 19, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

FEBRUARY 14, 1952.

APPENDIX A (BUTT AND HINGE GROUP)

1. Non-ferrous hinges and butt hinges.
2. Plain steel hinges and butt hinges.
3. Planished hinges and butt hinges.
4. Prime-coated and painted hinges and butt hinges.
5. Ball-bearing and oil-impregnated-bearing hinges and butt hinges.
6. Cabinet hinges and butt hinges (except furniture hinges).
7. Strap and tee hinges, all types.
8. Hasps.
9. Top, intermediate and floor pivots.

APPENDIX B (HANGER, TRACK AND GARAGE DOOR GROUP)

1. Garage and overhead door hardware.
2. Wooden overhead doors equipped with hardware.
3. Fire door hardware.
4. Hangers, track and related items for barn, garage, residential and industrial sliding and folding doors.

APPENDIX C (GENERAL BUILDERS' HARDWARE GROUP)

1. Checking door closing devices.
2. Panic bolts.
3. Mortise, tubular and rim inside sets, with steel, aluminum, glass or plastic trim, including components.
4. Mortise and tubular inside sets, with brass, aluminum, glass or plastic trim, including components.
5. Mortise bit key front door locksets, with wrought trim, including components.
6. Cylindrical locks and latches and key-in-knob locks and latches, with wrought trim, including components.
7. Mortise cylinder and tubular lock and latch sets, with wrought trim, including components.
8. Mortise cylinder and cylindrical lock and latch sets, with cast trim, including components.
9. Unit type locksets and latchsets.
10. Night latches and dead locks, all types.
11. Door stops and door holding devices.
12. Cabinet locks, luggage locks, furniture locks and industrial locks and latches.
13. Padlocks and hasp locks.
14. Spring hinges (other than screen door types) and lavatory stall hardware.
15. Keys and key blanks.
16. Cabinet hardware (except cabinet hinges), and luggage hardware, but not including furniture hardware.
17. Sash balances.
18. Miscellaneous door, sash, screen and shelf hardware, including pulls, plates, push and pull bars, screen door guards, non-ferrous metal thresholds (except weatherstrip thresholds), mail boxes (except rural mail boxes), window cleaners' devices, bolts, catches, handles, fasteners, brackets and related items.

[F. R. Doc. 52-1955; Filed, Feb. 14, 1952; 11:46 a. m.]

[General Ceiling Price Regulation, Amdt. 4 to Revision 1 to Supplementary Regulation 2]

GCPR, SR 2—RETAIL COAL DEALERS

TRANSPORTATION COST INCREASES BY MOTOR CARRIERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation, is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 3 (c) of SR 2, as amended, to the General Ceiling Price Regulation provides that each retail coal dealer may increase the ceiling price of solid fuel which he sells by the exact amount of increase in transportation costs, rail or water, that became effective after January 1, 1951, and prior to January 1, 1952, provided such increase in transportation costs was authorized by the Director, the Interstate Commerce Commission, or any state regulatory body. Under this section, therefore, increased transportation costs by motor carriers cannot be passed on by the retail coal dealer. This amendment puts the dealer receiving

solid fuel via motor carriers, on the same footing as those receiving solid fuel via rail or water carriers by permitting a pass-through of transportation costs (under the conditions stated in section 3 (c)) by the retail coal dealer who receives his coal via motor carriers.

At the time SR 2 (revised) to the GCPR was issued, the Office of Price Stabilization was not aware of any tonnage moving by motor carriers to retail coal dealers which was subject to regulation by state regulatory bodies as to rates and charges. We are now advised that tonnage does move to retail coal dealers by motor carriers in areas adjacent to mining communities which is subject to regulation by the state regulatory bodies. For example, the Public Service Commission of the State of Washington, which controls trucking rates in that State, granted to motor carriers trucking coal from the Newcastle coal fields into Greater Seattle, a maximum increase of 32 cents per ton effective August 11, 1951. There are a number of installations in Greater Seattle able to use this type of coal, and approximately 40,000 tons of this coal is consumed annually in this area. It is inequitable to require the dealers to absorb increases on truck shipments while permitting them to pass on transportation increases on other coal received by rail shipment.

On two occasions the Director of Price Stabilization gave retail coal dealers permission to add to their ceiling prices such increases in rail transportation costs as were authorized by the Interstate Commerce Commission in Ex Parte 175. The first of these, SR 2, Revision 1, effective April 11, 1951, permitted a pass-through of a 6 cents per ton interim increase. The other, SR 2, Revision 1, Amendment 2, effective October 3, 1951, permitted a pass-through of an additional 14 cents per ton. The total pass-through therefore, amounted to 20 cents per net ton. The Statement of Considerations which accompanied SR 2, Revision 1, Amendment 2, stated that the Office of Price Stabilization believed "the absorption of 6 cents per ton increase would have the effect of forcing a substantial number of retail coal dealers to operate at a loss and to reduce profit margins to the vanishing point for a substantial group of coal merchants."

If the Office of Price Stabilization had been advised at the time the earlier freight pass-throughs were being studied that motor carrier transportation increases might affect the delivered cost of coal in some areas, and that such motor carriers were subject to regulation by state regulatory bodies, consideration would then have been given to revising the regulation to place motor carriers on the same footing as carriers by rail and water.

This amendment therefore, deletes the words "rail or water" as contained in section 3 (c), Revision 1 of SR 2 to the GCPR, thus permitting a pass-through on motor carrier transportation freight increases on solid fuel to the same extent as is now provided for rail or water

transportation of such solid fuel, but (as in the case of rail and water carriers) only such transportation increases as were effective between January 1, 1951, and January 1, 1952, may be added to ceiling prices. Such increases will not increase the retail dealer's margin over that which existed prior to the increase of transportation costs.

Although formal consultation with representatives of the industry has not been practicable, informal consultation has been had with members of the industry and officials of the Office of Price Stabilization, and consideration has been given to their recommendations.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the judgment of the Director of Price Stabilization, the provisions of this amendment to Supplementary Regulation 2 to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISION

Section 3 (c) of Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation, as amended, is further amended by deleting the words "rail or water" so that paragraph will read as follows:

(c) Each retail coal dealer may increase the ceiling price of each size and kind of solid fuel he sells and delivers under this revised supplementary regulation by the exact amount of increase in transportation costs that has or may become effective since January 1, 1951, and on or before January 1, 1952: *Provided*, Such increase in transportation costs was authorized by the Director, an order of the Interstate Commerce Commission or any regulatory body of a state, territory or possession of the United States: *And provided further*, That the authority to increase the ceiling prices of each size or kind of solid fuel by the exact amount of increase in transportation costs shall be effective only upon receipt by the retail coal dealer of a carrier's invoice, freight bill or other statement of transportation charges, for each such size or grade of solid fuel, reflecting the increased freight charges and required to be paid by the retail coal dealer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to SR 2, Revision 1, to the GCPR shall become effective February 19, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

FEBRUARY 14, 1952.

[F. R. Doc. 52-1956; Filed, Feb. 14, 1952; 11:47 a. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 82]

GCPR, SR 82—CEILING PRICES FOR WOODEN MINE MATERIALS PRODUCED IN THE NORTHERN AREA WHEN SOLD FOR DELIVERY OR USE WITHIN THE AREA

INCREASES IN CEILING PRICES OF WOODEN MINE MATERIALS OF SEVEN-INCH DIAMETERS AND LARGER

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; Public Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 82 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 82 to the GCPR, issued on December 14, 1951, established ceiling prices for wooden mine materials produced in the Lake States. These ceiling prices were set at 35 percent above prices charged in May-June 1950 in order to encourage the output of these essential supplies by restoring balanced price relationships between mine timbers and other wood products produced in the area, principally pulpwood.

Since the issuance of Supplementary Regulation 82 additional information has been received by OPS showing that prices established thereby, although generally satisfactory, have not restored normal price relationship for larger timbers with diameters of 7 inches or more. As a result adequate supplies of these larger timbers have not been forthcoming.

Consequently, on the advice of the principal purchasers of mine timbers in this area, ceiling prices for these larger timbers are established at 50 percent above those charged during the period May 24 to June 24, 1950. Information presently available to the Office indicates that this action will restore customary price relationships between large and small timbers and between them and other similar wood products produced in the area.

The present action, accordingly, is taken as an emergency measure to assure the accomplishment of the purposes intended to be achieved by SR 82.

The Director of Price Stabilization has consulted with representatives of the industry insofar as practicable and has considered their recommendations. In the judgment of the Director of Price Stabilization, this supplementary regulation is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 2 of Supplementary Regulation 82 to the General Ceiling Price Regulation is amended by increasing the ceiling prices for sales and purchases of wooden mine materials having diameters of 7 inches or larger, cut to specified lengths, to 50 percent above the highest price the seller received for such materials during the period May 24, 1950, to June 24, 1950, inclusive, so that section 2 reads as follows:

SEC. 2. Ceiling prices for wooden mine materials. The ceiling prices for sales and purchases of wooden mine materials produced in the Northern Area when sold for delivery and use within the Area shall be as follows:

(a) Five- and six-inch diameters, cut to specified lengths: 35 percent above the highest price the seller received for such materials during the period May 24, 1950, to June 24, 1950, inclusive.

(b) Seven-inch diameters and larger, cut to specified lengths: 50 percent above the highest price the seller received for such materials during the period May 24, 1950, to June 24, 1950, inclusive.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This Amendment 1 to Supplementary Regulation 82 of the General Ceiling Price Regulation shall become effective February 19, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

FEBRUARY 14, 1952.

[F. R. Doc. 52-1958; Filed, Feb. 14, 1952;
4:00 p. m.]

[General Overriding Regulation 3]

GOR 3—EXEMPTION OF CERTAIN RUBBER, CHEMICAL AND DRUG COMMODITY TRANSACTIONS

COLL. 1—INCLUDING AMENDMENTS 1-4

General Overriding Regulation 3 is republished to incorporate the texts of Amendments 1 through 4 inclusive. General Overriding Regulation 3 was issued April 11, 1951 (16 F. R. 3216). Statements of Consideration for General Overriding Regulation 3 and for Amendments 1-4, inclusive, as previously published, are applicable to this regulation. The effective dates of this regulation and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Exemption of certain chemical commodity transactions.
3. Exemption of certain drug commodity transactions.
4. Exemption of certain rubber commodity transactions.

AUTHORITY: Sections 1 to 4 issued under 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 4 contained in General Overriding Regulation 3, April 11, 1951 (16 F. R. 2216), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: GOR 3, April 16, 1951, 16 F. R. 3216; Amendment 1, June 2, 1951, 16 F. R. 5056; Amendment 2, August 25, 1951, 16 F. R. 8359; Amendment 3, September 17, 1951, 16 F. R. 9478; Amendment 4, December 26, 1951, 16 F. R. 1282.

SECTION 1. What this regulation does. This regulation exempts from price control certain rubber, chemical and drug commodity transactions, as set forth in later sections of this regulation, either

absolutely or, where the exemption is qualified, under the conditions and to the extent indicated.

SEC. 2. Exemption of certain chemical commodity transactions. No price regulation issued by the Office of Price Stabilization shall apply to the following:

(a) *New chemicals.* Sales by a manufacturer of a chemical which that manufacturer did not sell or offer for sale during the period December 19, 1950, to January 25, 1951, or prior thereto, until the total sales of that chemical exceed \$1,000.

(b) *Experimental chemicals.* Sales by a manufacturer of a chemical which is in the experimental stage of production, on condition, however, that before making any sale of any such chemical which would bring the total sales thereof to a sum in excess of \$1,000, the manufacturer must file with the Office of Price Stabilization, Washington, D. C., a report setting forth his name, a description of the chemical, the reasons why he considers the chemical to be in an experimental stage of production, the prices he proposes to charge for the chemical during the experimental stage of production, and the monthly volume which he believes would represent commercial production as opposed to the experimental stage of production. Unless the Office of Price Stabilization by letter disapproves this report or requests further information within twenty days, sales of the chemical shall continue to be exempted from price control until the volume of production specified in the report as commercial production is reached or until the Office of Price Stabilization notifies the manufacturer that his report has been disapproved.

[Paragraph (b) amended by Amdt. 1]

(c) *Certain reagent chemicals.* The following, when sold for the purposes of scientific and medical research, for analytical and education uses, and for quality control of industrial products: reagent chemicals, laboratory reagent speciality solutions and prepared culture media.

(d) Butadiene derived from non-petroleum sources when sold for use in the manufacture of synthetic rubber.

[Paragraph (d) added by Amdt. 2]

(e) *Certain fertilizer materials.* All sales of the following listed fertilizer materials when sold within the 48 States of the United States and the District of Columbia:

Acid fish scrap
Almond shells
Beet sugar residue
Cocoa shell meal
Cocoa tannage
Compost
Cotton hull ashes
Distillery waste
Furfural waste
Grape pomace
Guano
Hoof and horn meal
Humus
Manure (animal and fowl excrement only)
Mowrah meal
Muck
Mustard meal
Peanut hulls
Peat
Peat moss

Precipitated bone
Rapeseed meal
Ravison meal
Spent bone black
Tung nut hulls
Tung oil pomace
Wood ashes
Wood waste

(f) *Uranium compounds.* Sales of uranium salts and oxides produced and sold under license of the Atomic Energy Commission.

[Paragraphs (e) and (f) added by Amdt. 4]

SEC. 3. *Exemption of certain drug commodity transactions.* No price regulation issued by the Office of Price Stabilization shall apply to the following:

(a) *Hog-cholera virus and anti-hog cholera serum.* All sales of hog cholera virus and anti-hog cholera serum (products used in the immunization of swine against hog cholera).

(b) *Certain crude domestic botanical drugs.* All sales of the following listed botanical drugs, both cultivated and wild, when grown within the forty-eight States of the United States and the District of Columbia, and when sold in the original unprocessed form or when processed solely by desiccation, pulverization, or a combination of the two:

Adam and Eve Root.
Agaric.
Agrimony Herb.
Alder Bark (Bark of Black Alder, Red Alder, or Tag Alder).
Aletis Root.
Angelica Root, American.
Arbor Vitae Leaves.
Arnica Flowers.
Asparagus Seed.
Balm Gilead Buds.
Balm Lemon (Melissa).
Balmoney Herb.
Balmoney Leaves.
Bamboo Briar Root.
Bayberry Root or Bark.
Beech Bark.
Beech Drops.
Beech Leaves.
Belladonna Leaves.
Berberis Root.
Beth Root, natural.
Birch Bark.
Bitter Root.
Bittersweet Bark of Root.
Black Ash Bark.
Blackberries, dried.
Blackberry Bark or Root.
Black Cohosh Root.
Black Haw Bark of Root.
Black Haw Bark of Tree.
Black Indian Hemp Root.
Black Walnut Bark.
Black Walnut Hulls.
Black Walnut Leaves.
Black Willow Bark.
Black Willow Buds.
Bladder Wrack.
Blessed Thistle Herb.
Blood Root, natural.
Blood Root, no fibers.
Blue Cohosh Root.
Blue Flag Root, natural.
Blue Flag Root, stripped.
Boneset Leafy Herb.
Boneset Leaves and Tops.
Boxwood Bark.
Broom Corn Seed.
Broom Tops.
Buckhorn Brake Root.
Bugle Weed.
Burdock Seed.
Button Snake Root.
Butternut Bark of Root.
Calamus Root.
Canada Snake Root.

Canada Snake Root, stripped.
Cascara Bark.
Catnip Herb.
Catnip Leaves and Tender Flowering Tops.
Cherry Leaves.
Cherry Stems.
Chickweed Herb.
Cleavers Herb.
Comfrey Root.
Cotton Root Bark.
Cramp Bark.
Cranesbill Root.
Culvers Root.
Damiana Leaves.
Deertongue Leaves.
Devil Shoe String Root.
Digitalis Leaves.
Dittany Herb.
Dogwood Flowers.
Dulse.
Echinacea Root.
Elder Bark.
Elder Berries, dried.
Elder Flowers.
Ergot (Rye).
Fleabane Herb.
Fringe Tree Bark of Root.
Gelsemium Root.
Ginseng Root.
Golden Rod Leaves and Tops.
Golden Seal Herb.
Golden Seal Root.
Gold Thread.
Gravell Plant.
Green Osier Bark.
Grindelia.
Ground Ivy Herb Vine.
Hair Cap Moss.
Hawthorne Berries, dried.
Hellebore Root.
Helonias Root.
Hemlock Bark.
Horehound Herb.
Horse Mint Herb.
Horse Nettle Berries, dried.
Horse Nettle Root.
Horse Radish Root.
Huckleberry Leaves.
Hydrangea Root.
Indian Physic Root.
Indian (Wild) Turnip Root.
Irish Moss.
Ironweed Bark.
Ironweed Root.
Jersey Tea Bark of Root.
Jersey Tea Root.
Jerusalem Oak Seed.
Juniper Berries.
Kelp.
Ladies Slipper Root.
Lemon Balm Leaves and Tops.
Life Everlasting Herb.
Life Root Plant.
Liverwort Leaves.
Lobelia Herb.
Lobelia Leaves.
Lobelia Seed.
Lovage Root.
Lycopodium.
Maiden Hair Herb and Fern.
Male Fern Root.
Mandrake Root.
Masterwort Root.
Maypop Herb.
Mayweed Herb.
Milkweed Root.
Motherwort Herb.
Mountain Tea Herb and Leaves.
Mouse Ear.
Mullein Leaves.
Nettle Root.
Nuxvomica Seeds.
Pansy Leaves.
Parsley Seed.
Passion Flower.
Peach Leaves.
Pennyroyal Herb.
Pennyroyal Leaves.
Pine Needles.
Pink Root.
Pipsissewa.
Plantain Leaves.

Pleurisy Root.
Poison Oak Leaves.
Poke Berries, dried.
Poke Root.
Poplar Bark, rossed.
Prickly Ash Bark.
Prickly Ash Berries.
Primrose Leaves and Tops.
Pulsatilla Herb.
Pumpkin Seed.
Queen of Meadow Leaves.
Queen of Meadow Root.
Raspberries, dried.
Raspberry Leaves.
Rattleweed Root.
Red Clover Flowers.
Red Oak Bark, rossed.
Rhus Aromatica Bark of Root.
Samson Snake Root.
Sarsaparilla Root and Bark.
Sassafras Bark of Root.
Sassafras Bark of Tree.
Sassafras Chips.
Sassafras Pith, white.
Saw Palmetto Berries.
Senega Root.
Serpentaria Root.
Sheep Laurel Leaves.
Sheep Sorrel.
Silkweed Root.
Sinkfield Vines.
Skullcap.
Skunk Cabbage Root.
Slippery Elm Bark.
Solomon Seal Root.
Sourwood Leaves.
Spicewood Bark.
Spigelia (whole plant).
Spikenard Root.
Squaw Vine.
Star Grass.
Star Root.
Stillingia Root.
Stinging Nettle Leaves.
Stinging Nettle Root.
Stone Root.
Stramonium Leaves.
Stramonium Seed.
Strawberry Vine.
Sumac Bark of Root.
Sumac Berries.
Sumac Leaves.
Sweet Fern.
Tamarack Bark, rossed.
Tansy Herb and Leaves.
Turkey Corn.
Twinleaf Root.
Vervain Herb.
Vervain Root.
Violet Leaves.
Wafer Ash Bark of Root.
Wahoo Bark of Root.
Wahoo Bark of Tree.
Wahoo Fine Roots.
Water Eryngo Root.
Water Pepper Herb (true).
White Ash Bark.
White Clover Flowers.
White Oak Bark, rossed.
White Pine Bark.
White Pond Lilly Root.
White Poplar Bark.
White Walnut Root Bark.
White Willow Bark, natural.
Wild Cherries, ripe, meaty, or dry.
Wild Cherry Bark.
Wild Ginger Root.
Wild Indigo Root.
Wild Lettuce Leaves.
Wild Plum Bark.
Wild Yam Root, natural.
Wild Yam Root, stripped.
Wintergreen Herb.
Witch Hazel Bark, natural.
Witch Hazel Leaves.
Worm Seed.
Wormwood Herb.
Yarrow Leaves and Tops.
Yellow Dock Root.
Yellow Parilla Root.
Yellow Root (Barberry).
Yerbasanta.

[Paragraph (b) added by Amdt. 3]

SEC. 4. Exemption of certain rubber commodity transactions. No price regulation issued by the Office of Price Stabilization shall apply to the following:

(a) *Experimental rubber products.*

(1) Sales by a manufacturer of an experimental rubber product, on condition, however, that before making any sale of any such rubber product which would bring the total sales thereof to a sum in excess of \$1,000, the manufacturer must file with the Office of Price Stabilization, Washington, D. C., a report setting forth his name and address and a description of the experimental rubber product, the reasons for believing such rubber product to be experimental, the prices he proposes to charge for that product while it is experimental, and the monthly volume which he believes would represent commercial production as opposed to experimental production. Unless the Office of Price Stabilization by letter disapproves this report or requests further information within 20 days, sales of the rubber product shall continue to be exempted from price control until the volume of production specified in the report as commercial production is reached, or until the Office of Price Stabilization notifies the manufacturer that his report has been disapproved.

(2) An experimental rubber product is a product made substantially or in whole of natural synthetic, substitute, reclaimed, or any other kind of rubber, in a temporary mold, or in a research or testing laboratory, or by hand process, or with temporary equipment.

[Sec. 4 added by Amdt. 1]

MICHAEL V. DiSALLE,
Director of Price Administration.

By: Joseph L. Dwyer,
Recording Secretary.

[F. R. Doc. 52-1957; Filed, Feb. 14, 1952;
11:47 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Order No. 11]

GSO 11—HEALTH AND WELFARE PLANS

STATEMENT OF CONSIDERATIONS

The Salary Stabilization Board has at the present time under consideration the issuance of a general regulation covering health and welfare plans. There are, however, certain areas in which the Salary Stabilization Board has decided to take action, pending the formulation of definitive policy, to permit employers to act in these areas without applying to the Office of Salary Stabilization.

Many plans cover employees under the jurisdiction of the Wage Stabilization Board and Salary Stabilization Board. This order is designed to permit employers to put such plans into effect without prior authorization of the Office of Salary Stabilization, if they meet the requirements of the Wage Stabilization Board in General Wage Regulation 19

and Board Resolution 78. It is also designed to permit employers to continue their past practices, to extend existing plans without prior authorization and to authorize plans to the cost of which employees contribute.

In the formulation of the provisions of this order, due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended; there has been consultation with industry representatives and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.

1. Health and welfare plans which may be put into effect without the approval of the Office of Salary Stabilization.
2. Charge-off of employer contributions to, and benefits paid under, health and welfare plans authorized by this Order.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1050 Supp.

SECTION 1. Health and welfare plans which may be put into effect without approval of the Office of Salary Stabilization. A plan providing for disability, hospital expense, surgical expense or in-hospital medical expense, group life insurance, including permanent and total disability benefits, or accidental death and dismemberment benefits may be put into effect without approval of the Office of Salary Stabilization under any one of the following conditions:

(a) If it covers employees subject to the jurisdiction of both the Wage Stabilization Board and the Salary Stabilization Board upon the same or similar terms and (1) meets the requirements of General Wage Regulation No. 19 and of Wage Stabilization Board Resolution No. 78, or (2) is approved by the Wage Stabilization Board for employees under its jurisdiction; or

(b) If the employees covered by the plan pay at least 40 percent of the gross cost of the health and welfare benefits, provided that the plan does not include benefits for employee dependents; or

(c) If it is an extension of an existing plan to additional employees within the same plant or establishment, or from a group of employees in one geographical unit of a multiplant employer to a similar group of employees in another geographical unit of the same employer; or

(d) If it is an extension or renewal of a plan in effect on January 25, 1951, or approved by the Wage Stabilization Board prior to May 10, 1951, or by the Office of Salary Stabilization thereafter; or

(e) If it is a new or amended plan required by law.

SEC. 2. Charge-off of employer contributions to, and benefits paid under, health and welfare plans authorized by this order. Employers are not required to charge against any increases authorized under any salary stabilization regulations contributions to, or benefits paid under, health and welfare plans which

may be put into effect in accordance with this order. An employer who since January 25, 1951, has established or modified a health and welfare plan under the provisions of any General Wage or General Salary Stabilization Regulation or General Salary Order, may eliminate the cost of such benefit from the amount chargeable against any increases in salary or other compensation authorized by General Wage Regulation 6, section 8 of General Salary Stabilization Regulation 1 or General Salary Order 6 to the extent that the cost of such benefit was so charged.

By Order of the Salary Stabilization Board.

JUSTIN MILLER,
Chairman.

JANUARY 30, 1952.

[F. R. Doc. 52-1965; Filed, Feb. 14, 1952;
12:15 p. m.]

[General Salary Stabilization Regulation 1, Amdt. 1]

GSSR 1—STABILIZATION OF SALARIES AND OTHER COMPENSATION OF PERSONS EMPLOYED IN BONA FIDE EXECUTIVE ADMINISTRATIVE, PROFESSIONAL OR OUTSIDE SALESMEN CAPACITIES, NOT REPRESENTED BY LABOR ORGANIZATIONS

RECORD-KEEPING REQUIREMENTS

STATEMENT OF CONSIDERATIONS

Upon examination of the existing record-keeping and reporting requirements contained in General Salary Stabilization Regulations and General Salary Orders, the Salary Stabilization Board has determined that certain of the existing provisions may be onerous to many employers. This amendment to General Salary Stabilization Regulation 1 is issued in order to simplify these provisions and to provide in a specific manner for the keeping of records required in the accomplishment of the salary stabilization program.

In the formulation of the various provisions of this regulation, due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended; there has been consultation with industry representatives and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Amendment of General Salary Stabilization Regulation 1, section 8 (c). Section 8 (c) is amended to read as follows:

SEC. 8. Increases in salaries and other compensation to correct certain inequities. . . .

(c) *Increases permissible without prior approval.* Increases in salaries and other compensation permissible under the terms of the policy set forth in paragraph (a) of this section do not require the prior approval of the Office of Salary Stabilization.

2. Repeal of General Salary Stabilization Regulation 1, section 10 (d). Section 10 (d) of General Salary Stabilization Regulation 1 is repealed.

3. Addition of sections 15, 16 and 17 to General Salary Stabilization Regulation 1. General Salary Stabilization Regulation 1 is amended by adding thereto sections 15, 16 and 17 to read as follows:

Sec. 15. Record-keeping required. (a) An employer making an adjustment in salary or other compensation authorized by any General Salary Stabilization Regulation, General Salary Order, or any written approval of the Office of Salary Stabilization shall keep his records in such manner as to be able readily to identify:

(1) The name and position of each employee to whom an adjustment was granted;

(2) The payroll period for which the adjusted salary or other compensation was first paid;

(3) If such adjustment was granted retroactively, the payroll period as of which it was granted;

(4) The salary and other compensation of the employee prior to and subsequent to the adjustment and the amount of the adjustment;

(5) The type of increase (such as "ten percent increase," "merit or length of service increase," "inter-plant inequity"), or the date of the written approval of the Office of Salary Stabilization if the adjustment was made pursuant to such written approval.

(b) The employer shall keep the records required by this section in such manner as shall clearly show the required data and so that he can readily demonstrate compliance with the applicable salary stabilization regulations or written approvals of the Office of Salary Stabilization. If such data are clearly shown by his payroll or personnel records, such records shall be sufficient.

Sec. 16. Summary statements required.

(a) In addition to the record-keeping requirements set forth in section 15, if the adjustment in salary or other compensation is made under a provision of any salary stabilization regulation or order which permits increases as a percentage of compensation (e. g., 10-percent increases under section 8 of this regulation, as amended, merit or length of service increases made in accordance with a percentage formula, authorized net percentage increases under General Salary Order 6), a record shall be prepared in the form of a separate summary statement stating the type of adjustment for each group and summarizing for each group of employees the calculation thereof. This statement shall summarize the computations on which the employer based his adjustments and shall include the following data:

(1) A description of the employee group to which the increase was granted;

(2) The amount initially available to the group, for adjustments in salaries and other compensation, on a per payroll period calendar year or other basis, whichever may be applicable;

(3) The amount which has already been used at the time the adjustment is made; and

(4) The amount, if any, remaining available, after the adjustment is made.

(b) The initial summary shall be prepared within 90 days of the date of this amendment and thereafter shall be kept current on a quarterly basis. This statement shall be certified to by an officer of the corporation or, if the employer is in partnership, by one of the partners, or, if a sole proprietorship, by the proprietor, or by an individual designated for the purpose by such officer, partner or proprietor. Certification is not required for any quarter in which no adjustments have been made. The summary statement shall be kept by the employer as a part of his business records for the purposes set forth in section 17 of this regulation.

(c) If any adjustment in the salary or other compensation of an employee, authorized under salary stabilization regulations or under any determination of the Office of Salary Stabilization, is based upon a written plan or procedure of the employer relating to the compensation of his employees, a copy of such plan or procedure shall be made part of the records required by this section.

Sec. 17. Availability and preservation of records and summary statement.

(a) The records and summary statement required by sections 15 and 16 shall be kept accessible for inspection authorized by the Office of Salary Stabilization or any governmental department or agency concerned therewith and the summary statement required by section 16 shall be kept available for filing if directed by the Office of Salary Stabilization.

(b) The records and summary statements required by sections 15 and 16 shall be preserved as long as the Defense Production Act of 1950, as heretofore or hereafter amended, is in effect and for a period of two years thereafter.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board on January 30, 1952.

JUSTIN MILLER,
Chairman.

[P. R. Doc. 52-1966; Filed, Feb. 14, 1952;
12:15 p. m.]

[General Salary Stabilization Regulation 3,
Amdt. 1]

GSSR 3—ADJUSTMENTS FOR INDIVIDUAL EMPLOYEES

RECORD KEEPING REQUIRED

STATEMENT OF CONSIDERATIONS

This amendment to General Salary Stabilization Regulation 3 is issued to conform record-keeping requirements under this regulation to the general provisions contained in General Salary Stabilization Regulation 1, as amended.

AMENDATORY PROVISIONS

Section 10 of General Salary Stabilization Regulation 3 is amended to read as follows:

Sec. 10. Record-keeping required. An employer making an adjustment authorized by this regulation shall comply with the record-keeping and summary statement requirements of sections 15, 16 and 17 of General Salary Stabilization Regulation 1, as amended. Such records shall also show the following:

(a) The certificates covering promotions and transfers required under section 5 (c).

(b) The new positions created, the number of employees involved and aggregate sums paid to such employees.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board on January 30, 1952.

JUSTIN MILLER,
Chairman.

[P. R. Doc. 52-1967; Filed, Feb. 14, 1952;
12:15 p. m.]

[General Salary Order 6, Amdt. 1]

GSO 6—MAINTENANCE OF COMPENSATION RELATIONSHIPS

AMENDMENT OF RECORD-KEEPING REQUIREMENTS

STATEMENT OF CONSIDERATIONS

Amendment 1 to General Salary Order 6 is issued to conform the record-keeping requirements under this order to the general record-keeping provisions contained in General Salary Stabilization Regulation 1, amendment 1.

AMENDATORY PROVISION

Amendment of General Salary Order 6, section 6. Section 6 is hereby amended to read as follows:

Sec. 6. Records and summary statement. An employer making adjustments in salaries and other compensation authorized by this order shall comply with the record-keeping and summary statement requirements of sections 15, 16 and 17 of General Salary Stabilization Regulation 1, as amended.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping requirements of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Salary Stabilization Board.

JUSTIN MILLER,
Chairman.

JANUARY 30, 1952.

[P. R. Doc. 52-1968; Filed, Feb. 14, 1952;
12:16 p. m.]

Chapter V—Defense Production Administration

[DPA Regulation No. 1, as Amended
February 14, 1952]

REG. 1—ISSUANCE OF NECESSITY CERTIFICATES UNDER SECTION 124A OF THE INTERNAL REVENUE CODE

The following regulations are hereby prescribed by the Defense Production Administrator with the approval of the President pursuant to the authority contained in Executive Order 10200, dated January 3, 1951, and section 124A of the Internal Revenue Code.

Sec.

1. Definitions.
2. Criteria for determination of necessity.
3. Criteria for determination of portion of the adjusted basis attributable to defense purposes for computing the amortization deduction.
4. Procedures and responsibilities.
5. Exercise of powers of Certifying Authority.

AUTHORITY: Sections 1 to 5 issued under sec. 216, 64 Stat. 939; 26 U. S. C. Sup. 124A; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. Definitions. As used throughout this regulation:

(a) "Emergency facility" means any facility, land, building, machinery or equipment, or any part thereof, the construction, reconstruction, erection, installation, or acquisition of which was completed after December 31, 1949, and with respect to which a Necessity Certificate has been made.

(b) "Emergency period" means the period beginning January 1, 1950, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which Necessity Certificates have been made is no longer required in the interest of national defense.

(c) "Certifying Authority" means the Defense Production Administrator.

(d) "Necessity Certificate" means a certificate made by the Certifying Authority pursuant to section 124A (e) of the Internal Revenue Code, certifying that the construction, reconstruction, erection, installation, or acquisition of the facilities referred to in the certificate is necessary in whole or in part in the interest of national defense during the emergency period, and stating the portion of the adjusted basis thereof which has been determined to be attributable to defense purposes within the meaning of such section 124A (e) for computing the amortization deduction under section 124A (a).

(e) "Material" means raw materials, articles, commodities, products, supplies, components, technical information, and processes.

SEC. 2. Criteria for determination of necessity. Determination will be made by the Certifying Authority as to whether the construction, reconstruction, erection, installation, or acquisition of the facility (in whole or in part) is necessary in the interest of national defense during the emergency period.

(a) *Material or service required for national defense.* In making the determination of necessity, a determination will be made that the material or

service to be produced with the proposed facility is required in whole or in part in the interest of national defense during the emergency period. A material or service will not be found to be so required unless it is directly required for the Armed Services of the United States or auxiliary personnel, for civil defense, for the Atomic Energy Commission, or for any operations or activities in connection with the Mutual Defense Assistance Act; or unless it is necessary for the production of a material or service directly required in the interest of national defense during the emergency period; or unless it is otherwise necessary in the interest of national defense.

(b) *Shortage of facilities for the production of material or service required for national defense.* In making the determination of necessity, a determination will be made that at the time of the beginning of construction, reconstruction, erection, installation, or acquisition of the facility, there was or is an existing or prospective over-all shortage of facilities for the production of the material or service produced or to be produced by the facility sought to be certified. Consideration will be given to the necessity for and adequacy of facilities for the production of a material or service in a particular region, the necessity for standby capacity, and any other factors contributing to or threatening a shortage of facilities for producing such material or service. A shortage will be found to exist only with respect to facilities required to meet expansion goals determined by the Defense Production Administration.

(c) *Other considerations.* In making the determination of necessity, consideration will also be given to other factors such as: new or improved technology; assurance of a fair opportunity for participation by small business; the promotion of competitive enterprise; the competence, performance record, and other factors bearing upon the ability of the applicant to construct or acquire, and manage the proposed facility; location of the facility with due regard to military security and dispersion criteria and standards; the degree to which the facility will alleviate the shortage of production; other forms of financial assistance provided by the Government; the availability of manpower, housing, community facilities, transportation, and other factors of production. An existing or prospective shortage of facilities for the production of a material or service necessary in the interest of national defense will not be considered alleviated by:

(1) The acquisition of the productive assets of a going concern or second-hand facilities unless:

(i) Clear prospect of a substantial increase in the usefulness of such facilities for national defense exists and such increase cannot be obtained by other practical means; or

(ii) Substantial loss of usefulness for national defense would probably result in the absence of such acquisition.

(2) The construction, reconstruction, erection, installation, or acquisition of that part of a facility which is or will be used in lieu of existing facilities, except to the extent considered extraordinary

and necessitated by reason of the emergency.

SEC. 3. Criteria for determination of portion of the adjusted basis attributable to defense purposes for computing the amortization deduction. Determination will be made by the Certifying Authority as to the portion of the adjusted basis upon which the amortization deduction under section 124A (a) shall be computed.

(a) In determining the portion to be certified, the Certifying Authority will consider the probable economic usefulness of the facility after five years and the additional incentives to the minimum amount deemed necessary to secure the expansion of industrial capacity in the interest of national defense during the emergency period. For this purpose, consideration will be given to such factors as the character of the business, including the source, amount, and nature of the materials required for the expansion and the material or service to be produced, the manufacturing or servicing processes involved, normal depreciation rates, expansion in competitive fields; the extent of risk assumed, including the amount and source of capital employed, the potentiality of recovering capital or retiring debt through tax savings or pricing, the relative expansion needed, the economic consequences of the location of the facility due to security or other emergency factors, increased costs due to expedited construction or emergency conditions, and the historical background of the industry; the extent to which the facility is being or will be used in lieu of existing facilities; assistance to small business and the promotion of competitive enterprise; compliance with Government policies, e. g., manpower and dispersion; and other relevant factors. Land will not ordinarily be certified. The percentage certified shall be closely related to the provision of other financial incentives provided by the Government to encourage the construction of facilities, such as direct Government loans, guaranties, and contractual arrangements, so that these incentives separately or in combination will secure the needed expansion at minimum cost to the Treasury. Where percentage certification patterns for individual industries are established, adjustments upward or downward may be made for special factors.

SEC. 4. Procedures and responsibilities—(a) Application form. Formal application shall conform to the standard form prescribed by the Certifying Authority, and shall be executed in the manner and by the person prescribed by the form. The standard form of application for a Necessity Certificate may be obtained from the Defense Production Administration, Washington 25, D. C., or from Department of Commerce field offices.

(b) *Classified information.* If the application or its filing would involve the disclosure of information which has a security classification, the applicant shall, prior to the filing of his application, request instruction from the Government agency with which he has classified contract relations.

(c) *Filing of application.* All applications for Necessity Certificates shall be filed with the Defense Production Administration in Washington, D. C., and shall be deemed to be filed when received by that agency.

(d) *Time of filing application, and cases in which determination of necessity must be made before beginning of construction.* (1) Applications for Necessity Certificates for facilities the construction, reconstruction, erection, or installation of which was begun or which were acquired prior to March 1, 1952, or for facilities acquired on or subsequent to March 1, 1952, must be filed before the expiration of (6) months after the beginning of such construction, reconstruction, erection, or installation, or the date of such acquisition.

(2) Applications for Necessity Certificates for any building, structure, or other real property, or for the installation of facilities which will become an integral and permanent part of any building, structure, or other real property the construction, reconstruction, erection, or installation of which is begun on or after March 1, 1952, must be filed prior to the beginning of such construction, reconstruction, erection, or installation.

(3) (i) Facilities at any one location involving the construction, reconstruction, or erection of any building, structure, or other real property, or the installation of facilities which will become an integral and permanent part of any building, structure, or other real property, and which are estimated by the applicant to cost \$100,000 or more, excluding the cost of land, the construction, reconstruction, erection, or installation of which is begun on or after March 1, 1952, will not be eligible for certification within the meaning of these regulations unless a determination of necessity is made by the Certifying Authority as evidenced by the issuance of a Necessity Certificate or a Letter of Predetermination prior to the beginning of such construction, reconstruction, erection, or installation.

(ii) The term "Letter of Predetermination" shall mean a written communication to the applicant from the Certifying Authority stating that there is a shortage of the facilities for which certification is requested, that the material or service to be produced thereby is necessary in the interest of national defense, and that thereafter the beginning of construction, reconstruction, erection, or installation of the facilities for which certification is requested will not in itself prejudice the applicant's eligibility for a Necessity Certificate.

(4) For purposes of filing within the meaning of subparagraphs (1) and (2) of this paragraph, the following definition shall apply: Construction, reconstruction, erection, or installation is deemed to begin with the incorporation in place on the site by the applicant or by any other person pursuant to any contract, understanding, or arrangement directly or indirectly for or with the applicant, of physical materials as an integral and permanent part of any building, structure, or other real property (for example, the pouring or placing of

footings or other foundations). Acquisition of land; engineering; contracting for construction; preparation of site; building of access roads; excavation; demolition; installation of service utilities required for construction; the fabrication, production, or processing of building materials or building equipment; or the acquisition of personal property to be installed in the building, structure, or other real property does not constitute beginning of construction, reconstruction, erection, or installation.

(e) *Modification of regulations.* The provisions of these regulations concerning time and place for filing applications for Necessity Certificates and the estimated cost of facilities to which paragraph (d) (3) (i) of this section is applicable, may be changed by the Certifying Authority. Such change shall be made effective not less than 15 days after publication in the Federal Register.

(f) *Referral of application.* Each application, after acknowledgment, will be referred to that agency and officer of the Government according to its respective assigned responsibilities under the Defense Production Act of 1950, as amended. The military department or other Government agency directly interested in the production of the material or service involved in the application for certification shall on request of any agency or officer to whom the application has been referred, and may in any case, supply such information and advice as may aid the agency or officer in making his report and recommendation to the Certifying Authority.

(g) *Responsibilities of agencies and officers other than Certifying Authority.* Delegate agencies or officers of the Government to which an application is referred, shall be responsible for making a report and recommendation for specific action to the Certifying Authority regarding each application. Such report and recommendation shall be based upon a thorough examination and investigation conducted by the delegate agency or officer or by other competent Government agencies or officers. Such reports shall conform to instructions issued by the Certifying Authority.

(h) *Action by the Certifying Authority.* After consideration of relevant factors, including but not limited to the reports of the delegate agencies and officers of the Government, the Certifying Authority will take action upon the application.

(i) *Necessity Certificates.* Upon approval of an application, a Necessity Certificate will be forwarded to the Commissioner of Internal Revenue and will constitute conclusive evidence of certification by the Certifying Authority that the facilities therein described are necessary in the interest of national defense and of the portion of the adjusted basis upon which the amortization deduction under section 124A (a) shall be computed. The Certifying Authority will not certify the accuracy of the cost of any facility nor of any date relative to the construction, reconstruction, erection, installation, or acquisition thereof. It will be incumbent upon taxpayers electing to take the amortization deduction

to establish to the satisfaction of the Commissioner of Internal Revenue the identities of the facilities, the costs thereof, and the dates relative thereto.

(j) *Further description after certification.* (1) Where the actual description or cost of a certified facility varies or will vary so materially from the description or cost in the application for certificate as to put in question the identity of the facility, the taxpayer may request an amendment of the certificate by filing a statement with the Certifying Authority setting forth the revised description or cost.

(2) The statement should consist of four copies of an amended Appendix A setting forth all of the emergency facilities certified with their revised descriptions or costs, in the same order in which such emergency facilities were listed on the original Appendix A. However, where the original Appendix is lengthy and only a few variations or changes are involved, the four copies of the amended Appendix A may list only the facilities changed. In all instances, the amended descriptions or costs should be identified, by item and page number, with the descriptions or costs contained in the original Appendix A, and should be accompanied by a letter explaining all changes with the reasons therefor.

(3) If the Certifying Authority is of the opinion that the varied or changed costs or descriptions are within the scope of the original certification, the amended Appendix A will be forwarded by the Certifying Authority to the Commissioner of Internal Revenue for substitution for the original Appendix A attached to the original certificate to have the effect of an amendment thereof. A copy of the amendment will be transmitted to the taxpayer.

(4) Although reasonable substitutions for facilities previously certified may be determined to be within the scope of the original certification, additional facilities, as a general rule, will not be considered to be within the scope of the original certification and will require a separate new application which may be subject to the provisions of paragraph (d) (3) (i) of this section. The Certifying Authority may, however, afford a filing date for such separate application which will correspond to the date on which the application for amendment was filed for the facilities found to be outside the scope of the original certification.

(k) *Cancellation or amendment of Necessity Certificate.* The Certifying Authority may (1) cancel any Necessity Certificate where it has been obtained by fraud or misrepresentation or has been issued through error or inadvertence, or (2) amend any Necessity Certificate for sufficient cause.

SEC. 5. *Exercise of powers of Certifying Authority.* Any actions taken in exercise of the powers and authority vested in the Administrator of the Defense Production Administration by Executive Order 10200, dated January 3, 1951, under section 124A (e) of the Internal Revenue Code may be taken in the name of the Defense Production Administration

by the Administrator's authorized representative.

Effective Date: March 1, 1952.

MANLY FLEISCHMANN,
Defense Production Administrator.

Approved:

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 52-1952; Filed, Feb. 14, 1952;
11:43 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Schedule 1 as Amended February 14, 1952]

M-6A—STEEL DISTRIBUTORS

SCHEDULE 1—EARMARKED STOCKS—AIRCRAFT QUALITY ALLOY STEEL PRODUCTS

This schedule as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this schedule as amended, consultation with industry representatives has been rendered impracticable because of the need for immediate action and because the schedule affects a large number of different trades and industries.

NPA Order M-6A, Schedule 1 of October 26, 1951, is hereby amended as follows:

A new paragraph (c) is added to section 4 relaxing restrictions on aircraft quality alloy steel products by steel distributors to the extent of permitting sales for use in gas turbine and aircraft-type engines used in naval vessels.

NPA Order M-6A, Schedule 1, as so amended, reads as follows:

Sec.

1. What this schedule does.
2. Definitions.
3. Allotments or aircraft quality alloy steel products by producers to distributors.
4. Distributor sales.
5. Certification of orders.
6. Canadian distributor sales.
7. Communications.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; sec. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. What this schedule does. This schedule requires steel producers to make monthly shipments of aircraft quality alloy steel products to steel distributors on the basis set out herein. It restricts sales of aircraft quality alloy steel products by steel distributors.

SEC. 2. Definitions. All definitions contained in NPA Order M-6A, except the definition of "base period," are applicable to this schedule. For the purposes of this schedule, "base period" means the period commencing April 1, 1951, and ending June 30, 1951.

SEC. 3. Allotments of aircraft quality alloy steel products by producers to distributors. Each steel producer is hereby required to accept purchase orders from his steel distributor customers for shipments of aircraft quality alloy steel products in January 1952, and in each succeeding month up to a minimum of not less than 100 percent of the base tonnage of each aircraft quality alloy steel product shipped to each steel distributor customer during the base period.

SEC. 4. Distributor sales. No steel distributor (except steel distributors located in the Dominion of Canada) shall deliver, nor shall any person accept delivery of, any aircraft quality alloy steel products unless:

- (a) Such aircraft quality alloy steel product is required by specification and will be incorporated into aircraft, guided missiles, or airborne equipment, in connection with the development, production, repair, or maintenance thereof; or
- (b) Such aircraft quality alloy steel product is required under a program bearing the allotment symbol E-2; or
- (c) Such aircraft quality alloy steel product is required for use in gas turbine and aircraft-type, internal combustion engines for use in naval vessels.

SEC. 5. Certification of orders. Any person placing an order for an aircraft quality alloy steel product with a steel distributor located in the United States shall endorse on his purchase order, or deliver with such purchase order, the following certification which shall be signed as provided in section 8 of NPA Reg. 2:

Certified under Schedule 1 to NPA Order
M-6A

This certification constitutes a representation by the purchaser to the steel distributor and to NPA that the purchase order so certified calls for delivery of an aircraft quality alloy steel product to be used only as permitted in section 4 of this schedule.

SEC. 6. Canadian distributor sales. Sales of aircraft quality alloy steel products will be made by Canadian steel distributors pursuant to instructions issued by the Canadian Government through its Department of Defence Production.

SEC. 7. Communications. All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-6A, Schedule 1.

This schedule as amended shall take effect February 14, 1952.

NATIONAL PRODUCTION
AUTHORITY,

By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-1948; Filed, Feb. 14, 1952;
11:42 a. m.]

[NPA Order M-62 as Amended Feb. 14, 1952]

M-62—DISTRIBUTION OF BRASS MILL PRODUCTS TO DISTRIBUTORS

This order as amended is found necessary and appropriate to promote the na-

tional defense and is issued pursuant to the authority granted by the Defense Production Act of 1950 as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

NPA Order M-62 of August 31, 1951, is hereby amended as follows:

1. The definition of "brass mill products" in section 2 (c) is changed to conform to the definition contained in NPA Order M-11.

2. The definition of "distributor" in section 2 (g) is changed to include persons who purchase from other distributors.

3. A new paragraph (h) defining "NPA", is added to section 2.

4. Section 3 (d) is deleted.

5. Section 3 (c) and sections 4, 5, 7, and 8 are changed to provide for distributors who purchase from other distributors.

6. Paragraphs (a) and (b) of section 6 are changed to permit additional sales of condenser tubes without NPA authorizations and to set forth procedures for placing orders for direct mill shipments.

7. A new paragraph (c) has been added to section 6 to limit sales by distributors to sales on authorized controlled material orders with minor exceptions.

8. Section 11 has been amended to provide that applications for adjustments shall be made by letter in triplicate.

In addition, there have been minor editorial changes.

As amended, NPA Order M-62 reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. How a distributor obtains brass mill products.
4. Monthly X-6 quotas.
5. Limitations on acceptance of X-6 orders by brass mills or distributors.
6. Limitations on acceptance of orders by distributors.
7. Inventory limitations.
8. Certification.
9. Applicability of other regulations and orders.
10. Records and reports.
11. Request for adjustment or exception.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; sec. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. What this order does. The purpose of this order is to provide for the restoration and maintenance of rea-

sonable inventories by distributors of brass mill products. It describes how orders for brass mill products shall be accepted and filled by distributors and how such shipments shall be replaced by brass mills. It authorizes distributors to place authorized controlled material orders within certain limitations, sets forth limitations on the required acceptance of such orders by brass mills, and revokes the authority of distributors to place orders certified under Direction 1 to NPA Order M-11.

SEC. 2. Definitions. As used in this order:

(a) "Base period" means the period commencing January 1, 1947, and ending June 30, 1950.

(b) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(c) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip, in flat lengths or coils; rod, bar, shapes, and wire, except copper wire mill products; anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

- Circles.
- Discs.
- Cups.
- Blanks and segments.
- Forgings (except anodes).
- Welding rod, 3 feet or less in length.
- Rotating bands.
- Tube and nipples—welded, brazed, or mechanically seamed.

(d) "Brass mill" means any person who produces brass mill products.

(e) "Item of brass mill products" means a particular brass mill product of one given dimension (except length), shape, temper, alloy, and finish.

(f) "Inventory" means brass mill products owned by a distributor or held by him on consignment within the United States, its territories and possessions, for resale as brass mill products. It does not include brass mill products held by him for fabrication, whether for his own account or for others, or direct mill shipments by a mill to a distributor's customer.

(g) "Distributor" means any person (including a warehouseman or jobber but not a retailer) engaged in the business of stocking brass mill products received from a brass mill or another distributor at a location regularly maintained by him for such purpose, for sale or resale in the form or shape as received, or after performing the operations described in this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are straightening, threading, chamfering, cutting to width and length, and edging. A distributor shall be deemed to

be such only with respect to such brass mill products as are regularly maintained in his inventory. Occasional or accommodation sales, or purchases from brass mills or other distributors, shall not constitute engaging in the business of distributing brass mill products. Any brass mill maintaining an inventory of brass mill products at a location other than the mill and regularly engaging in the business of making sales from such inventory as a distributor shall be deemed to be a distributor with respect to such inventory and business for the purposes of this order. Any distributor operating more than one warehouse may consider all warehouses operated by him as one warehouse for the purpose of this order.

(h) "NPA" means the National Production Authority.

SEC. 3. How a distributor obtains brass mill products. (a) Commencing on September 1, 1951, and subject to the quantity limitations contained in section 4 of this order, a distributor may apply the allotment symbol X-6 to orders for brass mill products for the purpose of replacing his inventory of such products.

(b) A delivery order bearing the symbol X-6, together with the certification provided for in section 8 of this order, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(c) Subject to the limitations of any other applicable NPA regulation or order, a distributor may purchase brass mill products without limitation where such purchase is not a purchase made from a domestic brass mill or another distributor which will result in a violation of section 7 of this order.

SEC. 4. Monthly X-6 quotas. Any distributor who during the preceding month has delivered brass mill products from his inventory to fill authorized controlled material orders placed with him may place an order with a brass mill or another distributor for replacement in his inventory of an equal weight of brass mill products, to which order the allotment symbol X-6 may be applied. In addition, a distributor whose inventory (by weight) on the last business day of any month is less than his average monthly inventory (by weight) during the base period may place an order bearing the allotment symbol X-6 with a brass mill or another distributor during the succeeding month for 5 percent of the difference between his average monthly inventory (by weight) during the base period and such inventory at the end of the month. The total weight of material covered by orders placed by any distributor with brass mills and other distributors in each month and bearing the allotment symbol X-6 shall, however, in no event exceed 150 percent of the average monthly weight of deliveries of brass mill products from brass mills and other distributors to such distributor during the base period. In determining average monthly inventory during the base period or average monthly deliveries of brass mill products during the base period, a distributor may exclude any months dur-

ing the base period in which he was not engaged in the business of distributing brass mill products.

SEC. 5. Limitations on acceptance of X-6 orders by brass mills or distributors. (a) A brass mill or another distributor need not accept an X-6 order from any distributor if such distributor was not a purchaser of brass mill products from him during the base period.

(b) A brass mill or another distributor need not accept an X-6 order from a distributor for any item of brass mill products which such distributor did not purchase from him during the base period.

(c) Any distributor who is unable to place an order bearing the allotment symbol X-6 due to the limitations of this section should apply to the National Production Authority, Washington 25, D. C., Ref: M-82, specifying the brass mills or distributors that refused to accept the order. NPA will assist him in locating sources of supply.

SEC. 6. Limitations on acceptance of orders by distributors. (a) A distributor may not accept for delivery from his inventory (1) any one order from any one person for more than 2,000 pounds of any item of brass mill products except condenser tubes, or for more than 10,000 pounds of condenser tubes, without the written approval of NPA, or (2) orders for any brass mill products in excess of the distributor's inventory of such products (including such products in transit to the distributor) on the date of the receipt of such order. Distributors are not required to accept an authorized controlled material order for more than 500 pounds of any item of brass mill products or 50 percent of the distributor's inventory of such item, whichever is less, unless otherwise directed by NPA. For the purposes of the quantity limitations of this section, a distributor shall regard separate orders placed for delivery in the same month for the same item by any person as one order.

(b) A distributor may accept an order for brass mill products for direct shipment from the brass mill to the customer only to the extent that such order is acceptable to the brass mill. Such a transaction shall not be considered a sale or delivery by a distributor for the purposes of this order. In forwarding such an order to the brass mill for acceptance, the distributor must furnish the brass mill with the name and address of the customer, the date and number of the customer's order, the authorized controlled material order allotment symbol, and a copy of the certification, which copy, however, need not be a duplicate original. An order for brass mill products for direct shipment from the brass mill to the customer may be shipped to the distributor who placed the order with the brass mill, but in that event the distributor may not incorporate the material so received physically in his inventory, and must use all such material only for the purpose of filling the order for which it was received.

(c) A distributor may not accept, ship, or deliver any copper controlled material except pursuant to an authorized

controlled material order valid for the calendar quarter in which delivery is requested, unless the quantity of material to be delivered on any one sale to any one person aggregates less than 25 pounds. Only sales on authorized controlled material orders are replaceable under the provisions of the first sentence of section 4 of this order.

Sec. 7. Inventory limitations. No distributor may accept delivery of brass mill products from domestic brass mills or other distributors if his inventory is, or by such receipt would become, in excess of his average monthly inventory during the base period (excluding therefrom the months during which he was not engaged in the business of distributing brass mill products) or in excess of a practicable minimum working inventory as defined in NPA Reg. 1, whichever is less.

Sec. 8. Certification. Any order for brass mill products placed by a distributor with a brass mill or another distributor and bearing the allotment symbol X-6 pursuant to this order shall contain a certification in substantially the following form:

Certified under CMP Regulation No. 1 and NPA Order M-82

This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this order to obtain the material covered by the delivery order.

Sec. 9. Applicability of other regulations and orders. Nothing in this order shall be construed to relieve any person from the obligations of complying with such limitations as may be contained in any other applicable regulation or order of NPA or of any order of any other competent authority.

Sec. 10. Records and reports. (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

Sec. 11. Request for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 12. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-82.

Sec. 13. Violations. Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended order shall take effect February 14, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-1951; Filed, Feb. 14, 1952;
11:43 a.m.]

[NPA Order M-86, as Amended February 14, 1952]

M-86—DISTRIBUTION OF COPPER WIRE MILL PRODUCTS TO DISTRIBUTORS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with rep-

resentatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

NPA Order M-86 of October 5, 1951, is hereby amended as follows:

1. Section 1 is changed more clearly to set forth the purpose of the order and to conform that purpose to other amendments made herewith.

2. The definition of "copper wire mill products" in section 2 (c) is changed to conform to the definition contained in NPA Order M-11.

3. A new section 2 (b), defining "NPA", is added.

4. Section 3 (c) is deleted.

5. Section 4 (a) is changed to permit orders to be placed for delivery in any calendar quarter.

6. Section 6 (c) is changed to set forth procedures for placing orders for direct mill shipments.

7. A new paragraph (d) is added to section 6 to limit sales by distributors to sales on authorized controlled material orders with minor exceptions.

8. Section 11 (a) is changed to provide that records shall be kept for 3 years, and to permit photographic records to be maintained in certain cases.

9. Section 12 is changed to provide that applications for adjustment or exception be by letter in triplicate.

As amended, NPA Order M-86 reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. How a distributor obtains copper wire mill products.
4. X-6 quotas.
5. Limitations on acceptance of X-6 orders by copper wire mills or distributors.
6. Limitations on acceptance of orders by distributors.
7. Inventory limitations.
8. Certification.
9. Inventories at separate locations.
10. Applicability of other regulations and orders.
11. Records and reports.
12. Request for adjustment or exception.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; sec. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8769.

SECTION 1. What this order does. The purpose of this order is to provide for the maintenance of practicable minimum working inventories by distributors of copper wire mill products. It describes how orders for copper wire mill products shall be accepted and filled by distributors and how such shipments shall be replaced by copper wire mills. It authorizes distributors to place authorized controlled material orders within certain limitations and sets forth limitations on the required acceptance of such orders by copper wire mills or other distributors.

Sec. 2. Definitions. As used in this order:

(a) "Base period" means the period commencing January 1, 1950, and ending December 31, 1950. If a person operated on a fiscal year basis prior to December 31, 1950, he may elect to take as his base period his last fiscal year ending prior to that date. After such election has been made, it may not thereafter be changed without the prior written approval of NPA.

(b) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(c) "Copper wire mill products" means uninsulated or insulated wire and cable, whatever the outer protective covering may be, made from copper or copper-base alloy, and also copper-clad steel wire containing over 20 percent copper by weight regardless of end use. All copper wire mill products should be measured in terms of pounds of copper content.

(d) "Copper wire mill" means any person who produces copper wire mill products.

(e) "Item of copper wire mill product" means any copper wire mill product which differs from other copper wire mill products by reason of one or more differences in its specifications (except temper or length), such as size, alloy, or insulation.

(f) "Inventory" means copper wire mill products owned by a distributor or held by him on consignment within the United States, its territories and possessions, for resale as copper wire mill products. It does not include copper wire mill products held by him for fabrication, whether for his own account or for others, or direct mill shipments by a copper wire mill to a distributor's customer.

(g) "Distributor" means any person (including a warehouseman or jobber, but not a retailer), engaged in the business of stocking copper wire mill products received from a copper wire mill or another distributor at a location regularly maintained by him for such purpose, for sale or resale in the form or shape received, or after straightening or cutting to length, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. A distributor shall be deemed to be such only with respect to such copper wire mill products as are regularly maintained in his inventory. The sale at retail of copper wire mill products, or occasional or accommodation sales or purchases from copper wire mills shall not constitute engaging in the business of distributing copper wire mill products. Any copper wire mill maintaining an inventory of copper wire mill products at a location other than the mill and regularly engaged in the business of making sales from such inventory as a distributor shall be deemed to be a distributor with respect to such inventory and business for the purposes of this order. Any warehouse maintained by a copper wire mill for the sole purpose of distributing quantities of copper wire mill products

received in carload quantities to copper wire mill distributors in less than carload quantities, as the result of orders previously received by such copper wire mill, shall not be deemed a distributor for the purposes of this order.

(h) "NPA" means the National Production Authority.

Sec. 3. How a distributor obtains copper wire mill products. (a) Commencing October 5, 1951, and subject to the quantity limitations contained in section 4 of this order, a distributor may apply the CMP allotment symbol X-6 to orders for copper wire mill products for the purpose of replacing his inventory of such products.

(b) A delivery order bearing the symbol X-6, together with the certification provided for in section 8 of this order, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

Sec. 4. X-6 quotas. (a) Commencing October 5, 1951, a distributor may place orders with copper wire mills or with other distributors for a quantity of copper wire mill products (measured in pounds of copper content) equal to the quantity by which 25 percent of his shipments of such products from his inventory during his base period exceeds the copper content of his inventory of copper wire mill products on September 30, 1951, to which orders the allotment symbol X-6 may be applied. All such orders placed pursuant to this paragraph shall call for delivery during the fourth calendar quarter of 1951 or any subsequent calendar quarter. A distributor shall convert all outstanding orders calling for delivery during the fourth calendar quarter of 1951 to authorized controlled material orders bearing the allotment symbol X-6 prior to October 15, 1951, and shall reduce or cancel all such outstanding orders which call for delivery of a quantity of material in excess of the quantity permitted by this paragraph. For the purposes of this paragraph all copper wire mill products received by a distributor after September 30, 1951, and shipped prior to October 15, 1951, shall be deemed to have been received pursuant to an order bearing the allotment symbol X-6.

(b) Commencing November 1, 1951, any distributor who, during the preceding month has delivered copper wire mill products from his inventory to fill authorized controlled material orders placed with him, may place an order or orders with a copper wire mill or another distributor for a quantity of copper wire mill products equal to 100 percent of such deliveries (measured in pounds of copper content), to which orders the allotment symbol X-6 may be applied. All orders placed pursuant to this paragraph shall call for delivery after December 30, 1951.

(c) A distributor may not place duplicate orders bearing the symbol X-6 in anticipation of cancelling one upon delivery of the other.

Sec. 5. Limitations on acceptance of X-6 orders by copper wire mills or distributors. (a) A copper wire mill or another distributor need not accept an X-6

order from any distributor if such distributor was not a purchaser of copper wire mill products from such copper wire mill or other distributor during the base period.

(b) A copper wire mill or another distributor need not accept an X-6 order from a distributor for any item of copper wire mill products which such distributor did not purchase from the copper wire mill or other distributor during the base period, or for a quantity of any item in excess of its average monthly shipments of such item to such distributor during the base period.

(c) Any distributor who is unable to place an order bearing the allotment symbol X-6 due to the limitations of this section should apply to the National Production Authority, Washington 25, D. C., Ref: M-86, specifying the copper wire mills or distributors that refused to accept the order. NPA will assist him in locating sources of supply.

Sec. 6. Limitations on acceptance of orders by distributors. (a) A distributor may not accept an order for immediate shipment from his stock for any copper wire mill products in excess of his inventory of such products (including such products in transit to the distributor) on the date of the receipt of such order.

(b) A distributor need not accept and fill an order for copper wire mill products from any one person for more than 500 pounds of copper content of any item, except in sizes 4/0 and larger. Items for sizes 4/0 and larger need not be accepted and filled in excess of standard mill single reel lengths. For the purposes of quantity limitations of this section, a distributor may regard separate orders placed for delivery in the same month for the same item by any person as one order.

(c) A distributor may accept an order for copper wire mill products for direct shipment from the copper wire mill to the customer, but only to the extent that such order is acceptable to the copper wire mill in accordance with CMP Regulations Nos. 1 and 3 and NPA Order M-11, and only if the material is not in his inventory in sufficient quantity to fill the order at the time of acceptance. Such a transaction shall not be considered a sale or delivery by the distributor for the purposes of this order. In forwarding such an order to the copper wire mill for acceptance, the distributor must furnish the copper wire mill with the name and address of the customer, the date and number of the customer's order, the authorized controlled material order allotment symbol, and a copy of the certification, which copy need not be a duplicate original. An order for copper wire mill products for direct shipment from the copper wire mill to the customer may be shipped to the distributor who placed the order with the copper wire mill, but in that event the distributor may not incorporate the material so received physically in his inventory, and must use all such material only for the purpose of filling the order for which it was received.

(d) A distributor may not accept, ship, or deliver any copper controlled ma-

material except pursuant to an authorized controlled material order valid for the calendar quarter in which delivery is requested unless the quantity of material to be delivered on any one sale to any one person is for a quantity of material which is less than 10 percent of a standard package. Only sales on authorized controlled material orders are replaceable under the provisions of section 4 (b) of this order.

Sec. 7. Inventory limitations. No distributor may accept delivery of copper wire mill products from copper wire mills or other distributors if his inventory is, or by such receipt would become, in excess of his average monthly inventory during the base period (excluding therefrom the months during which he was not engaged in a business of distributing copper wire mill products) or in excess of a practicable minimum working inventory as defined in NPA Reg. 1, whichever is less. Where a distributor maintains stocks of copper wire mill products at more than one location, this section shall be applicable to each such location even though such distributor has elected to operate as one person under the provisions of section 9 of this order.

Sec. 8. Certification. Any order for copper wire mill products, placed by a distributor with a copper wire mill or another distributor and bearing the allotment symbol X-6 pursuant to this order, shall contain a certification in substantially the following form: "Certified under CMP Regulation No. 1 and NPA Order M-86." This certification shall be signed manually or as provided in NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this order to obtain the material covered by the delivery order.

Sec. 9. Inventories at separate locations. Any distributor maintaining stocks of copper wire mill products at more than one location may consider all such stocks as one and may operate as a single distributor for the purpose of this order, or he may regard each such location as a separate distributor, but he may not change from one method of operation to the other without written approval of NPA.

Sec. 10. Applicability of other regulations and orders. Nothing in this order shall be construed to relieve any person from the obligations of complying with such limitations as may be contained in any other applicable regulation or order of NPA, or of any order of any other competent authority. Particularly the provisions of Schedules III and IV of CMP Regulation No. 1 with regard to lead times and minimum mill quantities and the provisions of CMP Regulation No. 4 continue to apply.

Sec. 11. Records and reports. (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of

receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as shall be required, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

Sec. 12. Request for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 13. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-86.

Sec. 14. Violations. Any person who willfully violates any provision of this order or any other order or regulation of NPA or who willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended order shall take effect February 14, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[P. R. Doc. 52-1949; Filed, Feb. 14, 1952;
11:42 a. m.]

[NPA Order M-98 of February 14, 1952]

M-98—USED CANS FOR COPPER PRODUCTION

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, consultation with industry representatives has been rendered impracticable because of the need for immediate action.

Sec.

1. What this order does.
2. Definitions.
3. Restrictions on used-can deliveries.
4. Request for adjustment or exception.
5. Records and reports.
6. Communications.
7. Violations.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 P. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 P. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 P. R. 8789.

SECTION 1. What this order does. The purpose of this order is to make available to copper producers a supply of used cans sufficient to enable such producers to precipitate copper from waters containing a copper sulfate solution in or about copper mines. The order limits deliveries of used cans in certain counties of the States of California and Arizona, requiring such deliveries to be made by used-can collectors only to shredding plants or to copper producers requiring used cans for the precipitation of copper.

Sec. 2. Definitions. As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States Government or of any other government.

(b) "Used can" means any used container made in whole or in part of tin plate, terneplate, or black plate, which is not to be reused for packing a product.

(c) "Segregated used can" means a used can which is separated from and not commingled with other materials. This term is included in the term "used cans" unless the context otherwise implies.

(d) "Tin plate," "terneplate," and "black plate" shall have the same meanings as given in NPA Order M-25, as now or hereafter amended.

(e) "Used-can collector" means any individual, corporation, partnership, as-

sociation, city, town, county, or any agency or political subdivision thereof, which, in connection with garbage, rubbish, or trash collection, collects segregated used cans.

(f) "Shredding plant" means a plant engaged in the business of shredding used cans.

(g) "NPA" means the National Production Authority.

SEC. 3. Restrictions on used-can deliveries. (a) No used-can collector now or hereafter operating or doing business within any of the counties listed in Schedule A of this order, shall deliver or accept delivery of segregated used cans except to or for the account of a shredding plant within any of such counties, or to or for the account of a copper producer engaged in the precipitation of copper irrespective of the location of any such producer.

(b) No used-can collector shall deliver used cans from any of the counties listed in Schedule A to any destination lying outside of the counties listed in Schedule A, except to a copper producer engaged in the precipitation of copper.

(c) No person who operates a shredding plant located within any of the counties listed in Schedule A shall deliver the product resulting from the shredding of cans except to or for the account of a copper producer engaged in the precipitation of copper irrespective of the location of such producer.

SEC. 4. Request for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue hardship upon him, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining a request for adjustment or exception claiming an undue hardship, consideration will be given to claims if the person seeking the adjustment is suffering or would suffer an operating loss due to prices received by him or other causes not reasonably within his control. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 5. Records and reports. (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily

used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 6. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: NPA Order M-98.

SEC. 7. Violations. Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect February 14, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE A OF NPA ORDER M-98

California:	California:—Con.
Kern.	Ventura.
Los Angeles.	San Diego.
Orange.	Imperial.
San Bernardino.	Arizona:
Santa Barbara.	Maricopa.
Riverside.	Pima.

[F. R. Doc. 52-1950; Filed, Feb. 14, 1952;
11:43 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 51-12125, appearing at page 10265 of the issue for Tuesday, October 9, 1951, the following change should be made:

In the sixth line of § 4.91 (c) (1) (i), the figure "\$84" should read "\$48."

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle [Ex Parte No. MC-39]

PART 167—BROKERS OF PROPERTY

PRACTICES OF PROPERTY BROKERS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 27th day of December A. D. 1951.

It appearing, that by report and order entered May 16, 1949, 49 M. C. C. 277, the Commission, Division 5, prescribed certain rules and regulations to govern the practices of brokers of transportation by motor vehicle, except brokers dealing exclusively in the transportation of passengers and their baggage;

It further appearing, that by order entered January 13, 1950, the proceeding was reopened for further hearing solely with respect to certain matters;

And it further appearing, that full investigation of the matters and things involved has been made, and the said Division, on the date hereof, has made and filed a report herein on further hearing containing its findings of fact and conclusions thereon, which report and the prior report are hereby made a part hereof, and said proceeding having been duly submitted:

It is ordered, That paragraphs (a) and (d) of § 167.2 Definitions are hereby modified to read as follows:

(a) "Broker" means any person as defined in section 203 (a) (1) of the Interstate Commerce Act (except those excluded by § 167.1), who, as principal or agent, for compensation, sells or offers for sale transportation subject to Part II of the Interstate Commerce Act, other than transportation of passengers and their baggage, or makes any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation or shall hold himself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation: *Provided, however,* That the term "broker" shall not include any person who holds himself out as a carrier by motor vehicle or any bona fide employee or agent of such person, insofar as concerns shipments which such person is authorized to transport in whole or in part and which such person has accepted pursuant to a holding out to transport and has legally bound himself by contract to transport in whole or in part.

(d) "Brokerage" or "brokerage service" means the selling or offering for sale of transportation; or the making of any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation; or the holding out by advertisement, solicitation, or otherwise, to sell, provide, procure, contract, or arrange for transportation, for compensation, by a broker as defined in paragraph (a) of this section.

And it is further ordered, That this order, and the prior order of May 16, 1949, as modified herein shall become effective February 15, 1952.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 544, as amended; 554; 49 U. S. C. 303, 211)

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1883; Filed, Feb. 14, 1952;
8:48 a. m.]

Subchapter C—Carriers by Water

PART 301—REPORTS

ANNUAL REPORT FORM M

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of February A. D. 1952.

The matter of Annual Reports from Carriers by Water being under consideration:

It is ordered, That the order dated January 27, 1949 (14 F. R. 596), in the matter of Annual Reports from Carriers by Water (49 CFR 301.20) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1951, and subsequent years, as follows:

§ 301.20 *Annual report form prescribed for Maritime Carriers.* Each Maritime Carrier subject to the provisions of section 313, Part III of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1951, and for each succeeding year until further order, in accordance with Annual Report Form M, which is hereby approved and made a part of this order. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

(54 Stat. 933; 49 U. S. C. 904. Interprets or applies 54 Stat. 944; 49 U. S. C. 913)

NOTE: Budget Bureau No. 41-R414.

By the Commission, Division 1:

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1884; Filed, Feb. 14, 1952;
8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS

Basis and purposes: On the basis of information produced at public hearings, written briefs submitted by members of the fishing industry, and scientific data acquired by personnel of the Fish and Wildlife Service, amendments to existing regulations for control of the Alaskan

fisheries are promulgated whenever necessary to achieve maximum commercial utilization of the resource consistent with sound conservation principles. In order to realize such utilization under current conditions and in conformance with the notice of intention to adopt amendments issued by the Secretary of the Interior on July 27, 1951 (F. R. Doc. 51-8856, 16 F. R. 7573), the following provisions are adopted, to become effective 30 days after their publication in the FEDERAL REGISTER.

PART 101—DEFINITIONS

1. A new section designated § 101.17 is added to read as follows:

§ 101.17 *Commercial fisherman.* For the purposes of the regulations in this subchapter the term "commercial fisherman" shall include any person who owns or operates any boat or fishing gear registered in accordance with § 102.8 of this subchapter.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 102—GENERAL PROVISIONS

1. Section 102.33 is amended by adding the following sentence: "This does not apply to pounds used to retain herring caught by purse seines."

2. Section 102.50 is amended to read as follows:

§ 102.50 *Prohibited near weirs and ladders.* Fishing for, taking, or molesting any fish by any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert, or other artificial obstruction, except in the Katmai National Monument where fishing shall be in accordance with National Park Service regulations.

3. A new section designated § 102.51 is added to read as follows:

§ 102.51 *Prohibited by commercial fishermen.* No commercial salmon fisherman shall take salmon for personal use during any commercial salmon season except in compliance with commercial fishing regulations, or within 48 hours before or after any such season.

3a. Section 102.8 is amended in the first sentence of text to read "Each year, prior to engaging in commercial fishing, all fishing gear and all fishing boats, whether powered or unpowered, shall be registered with the local representative of the Fish and Wildlife Service for the initial regulatory area of operation."

4. A new section designated § 102.52 is added to read as follows:

§ 102.52 *Snagging salmon prohibited.* Taking salmon by snagging is prohibited in any waters not open to commercial fishing.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 103—KOTZEBUE-YUKON-KUSKOKWIM AREA

1. Section 103.2 is amended by deleting paragraph (e).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221. Interprets or applies sec. 4, 34 Stat. 479, as amended; 48 U. S. C. 232)

2. Section 103.3 is amended to read as follows:

§ 103.3 *Open season.* Fishing is prohibited except from 6 o'clock antemeridian June 1 to 6 o'clock postmeridian August 31.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221. Interprets or applies sec. 4, 34 Stat. 479, as amended; 48 U. S. C. 232)

3. Section 103.4 is amended in heading and text to read as follows:

§ 103.4 *Maximum take of king salmon.* In any calendar year the take of king salmon in the Yukon district shall not exceed 50,000 fish, of which 25,000 may be taken inside the river.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221. Interprets or applies sec. 4, 34 Stat. 479, as amended; 48 U. S. C. 232)

4. Section 103.5 is amended to read as follows:

§ 103.5 *Types of gear permitted, exception.* Fishing is prohibited except with drift or set or anchored gill nets: *Provided,* That fish wheels may be operated inside the mouth of the Yukon River. Fishing in the Yukon River shall be conducted solely by native Indians and bona fide permanent white residents.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221. Interprets or applies sec. 4, 34 Stat. 479, as amended; 48 U. S. C. 232)

5. Section 103.5a is deleted.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 104—BRISTOL BAY AREA

1. Section 104.5 is amended to read as follows:

§ 104.5 *Weekly closed period.* In the period from June 25 to July 31, inclusive, the 36-hour statutory weekly closed period is extended to include the period from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Friday, making a total weekly closure of 84 hours.

2. Section 104.8 is amended in text by deleting the second clause which reads "consecutive position in owner's fleet, commencing with number 1" and substituting in lieu thereof "identifying position in owner's fleet."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

3. A new section designated § 104.8a is added to read as follows:

§ 104.8a *Daily report of operators.* Every operator shall report daily to the Fish and Wildlife Service the number of boats and set nets from which fish were received and the total catch of each species by type of gear.

4. Section 104.50 is deleted.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 105—ALASKA PENINSULA AREA

1. Section 105.3 is amended to read as follows:

§ 105.3 *Open seasons, except Port Moller district.* Fishing is prohibited ex-

* Filed as part of the original document.

cept from 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 5: *Provided*, That in outer Canoe Bay such fishing is prohibited after 6 o'clock postmeridian July 18: *And provided further*, That beach seines and gill nets may be used in Port Heiden from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 30, and in Izembek Bay from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 5.

2. Section 105.9 is amended in text by adding the word "light" after "Cape Pankof."

3. Section 105.19 is amended by inserting the word "Inner" before the words "Canoe Bay" in paragraph (e), and by adding a new paragraph designated (1) to read as follows:

(1) Traders Cove: All waters within the cove.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 107—CHIGNIK AREA

1. Section 107.2 is amended in text by deleting "June 6" and substituting in lieu thereof "June 16."

2. Section 107.6 is amended in headline and text to read as follows:

§ 107.6 *Purse seines and drift gill nets prohibited.* The use of any purse seine or drift gill net is prohibited.

3. Section 107.9 is deleted.

4. Section 107.10 is amended in text by adding the following sentence: "The aggregate length of set nets in use by any boat or individual shall not exceed 100 fathoms."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 108—KODIAK AREA

1. Section 108.3 is amended in text by deleting "June 6" and substituting in lieu thereof "June 16."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

2. Section 108.3a is amended in text by deleting "June 6" and substituting in lieu thereof "June 16."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

3. Section 108.3b is amended in text by deleting "July 10" and substituting in lieu thereof "June 16."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

4. Section 108.3c is amended in text by deleting "June 6" and substituting in lieu thereof "June 16."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

5. Section 108.4 is amended in text by deleting "June 6" and substituting in lieu thereof "June 16."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

6. Section 108.7 is amended in text by adding the following sentence: "The total escapement as determined at the two weirs shall not be less than 250,000."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221. Interprets or applies sec. 2, 43 Stat. 465; 48 U. S. C. 225)

7. A new section designated § 108.20a is added to read as follows:

§ 108.20a *Drift gill nets prohibited.* Fishing with drift gill nets is prohibited. (Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

8. Section 108.23 is amended in paragraph (a) to read as follows:

(a) Raspberry Island: From a point on the north coast at 58 degrees 7 minutes 56 seconds north latitude, 153 degrees 14 minutes 24 seconds west longitude westward to a point at 58 degrees 08 minutes 57 seconds north latitude, 153 degrees 16 minutes 14 seconds west longitude.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 109—COOK INLET AREA

1. Section 109.2 is amended as follows:

In paragraph (a) by deleting "August 4" and substituting in lieu thereof "August 12"; in paragraph (b) by deleting "August 8" and substituting in lieu thereof "August 12"; and, in paragraph (c) by deleting "August 4" and substituting in lieu thereof "August 12."

2. Section 109.2a is amended to read as follows:

§ 109.2a *Weekly closed period.* Prior to July 28 the statutory weekly closed period is extended to include the periods from 6 o'clock antemeridian Saturday to 6 o'clock antemeridian Tuesday, and from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Friday.

3. A new section designated § 109.2b is added to read as follows:

§ 109.2b *Reporting of salmon taken from the area.* No unprocessed salmon caught in the Cook Inlet area shall be transported out of the area until the number of each species of such salmon shall have been reported to a duly authorized representative of the Fish and Wildlife Service.

4. Section 109.50 is deleted.

5. Section 109.51 is amended to read as follows:

§ 109.51 *Closed waters.* Fishing for, taking, or molesting any fish by any means, or for any purpose, is prohibited in all waters of:

(a) All streams tributary to Knik Arm.
(b) Willow Creek, tributary to the Susitna River.

(c) Campbell Creek.

(d) The following streams on the Kenai Peninsula: Deep Creek, Ninilchik River, Twentymile Creek, Willow Creek, and Anchor Point River.

6. A new section designated § 109.52 is added to read as follows:

§ 109.52 *Closed season on razor clams.* No razor clams shall be taken for any purpose from July 10 to August 31, both dates inclusive.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 111—PRINCE WILLIAM SOUND AREA

1. Section 111.2 is amended to read as follows:

§ 111.2 *Open seasons, general and Eshamy.* Fishing is prohibited except from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30: *Provided*, That set or anchored gill nets shall not be used after 6 o'clock postmeridian August 22 in the waters along the western coast from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance to Port Nellie Juan, and the catch of each such net shall be reported daily to the local representative of the Fish and Wildlife Service.

2. Section 111.20 is amended to read as follows:

§ 111.20 *Closed season, Dungeness crabs.* Fishing for Dungeness crabs is prohibited (a) north of 60 degrees 22 minutes north latitude and east of 146 degrees 40 minutes west longitude from June 1 to September 10, inclusive: *Provided*, That in the waters of Orca Inlet between Salmo Point and the Cordova Ocean Dock such fishing shall be prohibited from June 1 through October 31; and (b) in all other waters from July 16 to August 15, inclusive.

3. A new section designated § 111.22 is added to read as follows:

§ 111.22 *Identification of crab pots.* The float of each crab pot set for fishing shall carry the name or initials of the operator in such manner that the ownership thereof can be readily determined.

4. Part 111 is amended by adding a new center heading to read "Personal Use Fishery," and a new section designated § 111.50 is added thereunder to read as follows:

PERSONAL USE FISHERY

§ 111.50 *Closed season on razor clams.* No razor clams shall be taken for any purpose whatever from July 1 to August 15, inclusive.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 112—COPPER RIVER AREA

1. Section 112.2 is amended in headline and text to read as follows:

§ 112.2 *Open seasons.* Fishing is prohibited except from 6 o'clock antemeridian May 1 to 6 o'clock postmeridian June 20, and from 6 o'clock antemeridian July 10 to 6 o'clock postmeridian September 18.

2. Section 112.5 is amended to read as follows:

§ 112.5 *Weekly closed period.* Prior to August 10 fishing is prohibited from 6 o'clock antemeridian Wednesday to 6 o'clock postmeridian Thursday, and from 6 o'clock antemeridian Saturday to 6 o'clock antemeridian Monday, making a total weekly closure of 84 hours.

3. Section 112.6 is amended in text by deleting "August 20 to September 20" and substituting in lieu thereof "August 10 to September 18."

4. Section 112.11 is amended in text by deleting "August 20" and substituting in lieu thereof "August 10."

5. Section 112.15 is amended to read as follows:

§ 112.15 *Closed season, Dungeness crabs.* Fishing for Dungeness crabs is prohibited (a) north of 60 degrees 22 minutes north latitude from June 1 to September 10, inclusive, and (b) in all other waters from July 16 to August 15, inclusive.

6. A new section designated § 112.17 is added to read as follows:

§ 112.17 *Identification of crab pots.* The float of each crab pot set for fishing shall carry the name or initials of the operator in such manner that the ownership thereof can be readily determined.

7. Section 112.50 is deleted.

8. A new section designated § 112.52 is added to read as follows:

§ 112.52 *Closed season on razor clams.* No razor clams shall be taken for any purpose whatever from July 1 to August 15, inclusive.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 113—BERING RIVER AREA

1. Section 113.3 is amended in heading and text to read as follows:

§ 113.3 *Open seasons.* Fishing is prohibited except from 6 o'clock antemeridian June 1 to 6 o'clock postmeridian June 15, and from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 18.

2. Section 113.5 is amended to read as follows:

§ 113.5 *Weekly closed period.* Prior to August 10 fishing is prohibited from 6 o'clock antemeridian Saturday to 6 o'clock antemeridian Monday, and from 6 o'clock antemeridian Wednesday to 6 o'clock postmeridian Thursday, making a total weekly closure of 84 hours.

3. Section 113.6 is amended in text by deleting "August 20 to September 20" and substituting in lieu thereof "August 10 to September 18."

4. Part 113 is amended by adding a new center heading to read "Personal Use Fishery," and a new section designated § 113.50 is added thereunder to read as follows:

PERSONAL USE FISHERY

§ 113.50 *Closed season on razor clams.* No razor clams shall be taken for any purpose whatever from July 1 to August 15, inclusive.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 114—YAKUTAT AREA

1. Section 114.2a is amended to read as follows:

§ 114.2a *Open seasons.* Fishing, other than trolling, is prohibited except as follows:

(a) Dry Bay, from 6 o'clock antemeridian June 1 to 6 o'clock postmeridian September 30.

(b) Situk-Ahrnklin Inlets, from 6 o'clock antemeridian July 1 to 6 o'clock postmeridian September 30.

(c) Itallo River, from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 30.

(d) Remainder of the Yakutat area, from 6 o'clock antemeridian June 18 to 6 o'clock postmeridian September 30.

2. A new section designated § 114.2b is added to read as follows:

§ 114.2b *Closed season on trolling.* Trolling is prohibited from 6 o'clock postmeridian September 20 to 6 o'clock antemeridian March 15.

3. Section 114.4 is amended in text by substituting a colon for the period and adding the following: "Provided, That in Situk-Ahrnklin Inlets such fishing shall be prohibited from 6 o'clock postmeridian Thursday to 6 o'clock antemeridian Monday."

4. Section 114.6 is amended in text by adding the following sentence: "The escapement, as determined at the weir, shall not be less than 100,000 red salmon."

5. Section 114.9 is amended by deleting paragraph (d), modifying paragraphs (b) and (c), and adding a new paragraph (f), as follows:

(b) Situk-Ahrnklin Inlets and Itallo River; 25 fathoms each net and 25 fathoms aggregate.

(c) Ahguay Inlets, Dangerous River, and Dry Bay; 25 fathoms each net and 75 fathoms aggregate.

(f) Kallakh River; 25 fathoms aggregate.

6. Section 114.10 is amended by deleting paragraph (c) and adding a new paragraph (e) as follows:

(e) Ankau Inlet.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL PROVISIONS

1. Section 115.6c is amended in heading and text to read as follows:

§ 115.6c *Closed season, troll caught coho salmon.* Taking of coho salmon by trolling is prohibited from 6 o'clock postmeridian September 20 to 6 o'clock antemeridian July 1.

2. Section 115.6d is amended by deleting "October 1" and in lieu thereof substituting "October 6."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

1. Section 117.3 is amended to read as follows:

§ 117.3 *Open seasons, west of Point Carolus.* West of the longitude of Point Carolus fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11.

2. Section 117.4 is amended to read as follows:

§ 117.4 *Open season, east of Point Carolus.* East of the longitude of Point Carolus fishing, other than trolling, is prohibited except from 6 o'clock ante-

meridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11.

3. Section 117.8 is amended in paragraph (c) by substituting a period for the comma, and deleting all after "Port Frederick."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

1. Section 118.4 is amended to read as follows:

§ 118.4 *Open season, northern section, north of Sullivan Island.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 18 to 6 o'clock postmeridian September 30. During this season, fishing is prohibited each week from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday.

2. Section 118.5 is amended to read as follows:

§ 118.5 *Open seasons, northern section, south of Sullivan Island.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 23, to 6 o'clock postmeridian July 5, and from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30: *Provided,* That this prohibition shall not apply to the use of gill nets in Berners Bay from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 30.

3. Section 118.6 is amended to read as follows:

§ 118.6 *Open seasons, central, southern, and western sections.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11.

4. Section 118.11 is amended in text by deleting the remainder after the word "trolling" in the proviso.

5. Section 118.13 is amended in text by changing "June 25" to "June 18."

6. Section 118.17 is amended by deleting paragraph (r).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 119.3 is amended to read as follows:

§ 119.3 *Open seasons, exceptions.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11: *Provided,* That these prohibitions shall not apply to Taku Inlet, Port Snettisham, and their adjacent waters as described under § 119.4.

2. Section 119.4 is amended to read as follows:

§ 119.4 *Taku Inlet, Port Snettisham, and adjacent waters; season and gear restrictions.* (a) Gillnetting in Taku Inlet northeast of a line from Point Greely to Point Cooper, and in Port Snettisham northeast of a line from Point Styleman to Point Anmer is prohibited, except from 6 o'clock antemeridian May 1 to 6 o'clock postmeridian May 31, and from 6 o'clock antemeridian June 18 to 6 o'clock postmeridian September 30. During these seasons, fishing is prohibited each week from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday.

(b) Trolling in Taku Inlet and all adjacent waters of the Eastern District north of Midway Island is prohibited, except from 6 o'clock antemeridian June 18 to 6 o'clock postmeridian September 20, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian May 31.

(c) Seining is prohibited in Taku Inlet at all times.

3. Section 119.7 is deleted.

4. Section 119.9 is amended by adding the following paragraphs:

(a) Mainland, east side of Stephens Passage: From 57 degrees 35 minutes 42 seconds north latitude, 133 degrees 37 minutes 8 seconds west longitude, to 57 degrees 36 minutes 52 seconds north latitude, 133 degrees 39 minutes 17 seconds west longitude.

(b) Mainland, east side of Stephens Passage: Within 2,500 feet of a point at 57 degrees 28 minutes 8 seconds north latitude, 133 degrees 30 minutes 42 seconds west longitude.

(c) Mainland, east side of Stephens Passage: Along the coast (1) within 2,500 feet of a point at 57 degrees 21 minutes 18 seconds north latitude, 133 degrees 26 minutes 37 seconds west longitude, and (2) within 2,500 feet of a point at 57 degrees 23 minutes 4 seconds north latitude, 133 degrees 27 minutes 42 seconds west longitude.

(d) Mainland, Frederick Sound: From a point on the south side of Fanshaw Bay at 133 degrees 32 minutes 27 seconds west longitude to Cape Fanshaw thence southeasterly to 133 degrees 29 minutes 57 seconds west longitude.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 120—SOUTHEASTERN ALASKA AREA, SITKINE DISTRICT, SALMON FISHERIES

1. Section 120.3a is amended to read as follows:

§ 120.3a *Weekly closed period.* In the period from June 18 to July 19 fishing

is prohibited from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday.

2. Section 120.4 is amended to read as follows:

§ 120.4 *Closed seasons; exception.* Fishing is prohibited prior to 6 o'clock antemeridian May 1 from 6 o'clock postmeridian May 31 to 6 o'clock antemeridian June 18, and after 6 o'clock postmeridian September 30: *Provided*, That this prohibition shall not apply to trolling west of Craig Point.

3. Section 120.5a is amended in text by changing "June 25" to "June 18" and "July 21" to "July 19."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

1. Section 121.3 is amended to read as follows:

§ 121.3 *Open season, Ernest Sound and Anan.* Fishing, other than trolling, in Ernest Sound and the open waters in the vicinity of Anan Creek (excluding Zimovia Strait) is prohibited, except from 6 o'clock antemeridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11.

2. Section 121.4 is amended to read as follows:

§ 121.4 *Open season, exception.* With the exception of Ernest Sound and the vicinity of Anan Creek, fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11.

3. Section 121.8 is amended in text by changing "October 1" to "October 6."

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

1. Section 122.4 is amended to read as follows:

§ 122.4 *Open seasons, northern section.* Fishing, other than trolling, in the northern section is prohibited except from 6 o'clock antemeridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and

from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11.

2. Section 122.5 is amended to read as follows:

§ 122.5 *Open seasons, central, southeast, southwest and north Behm Canal sections.* Fishing, other than trolling, in the central, southeast, southwest, and north Behm Canal sections is prohibited, except from 6 o'clock antemeridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

1. Section 123.3 is amended to read as follows:

§ 123.3 *Open seasons.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11: *Provided*, That this prohibition shall not apply to purse seines from 6 o'clock antemeridian July 14 to 6 o'clock postmeridian July 26 in waters west of a line extending northwesterly from Cape Muzon through Cape Ulitka to the northern boundary of the district.

2. Section 123.4 is amended in text by changing "July 16" to "July 14" and "July 28" to "July 26."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

1. Section 124.3 is amended to read as follows:

§ 124.3 *Open seasons.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 23 to 6 o'clock postmeridian July 5, from 6 o'clock antemeridian August 4 to 6 o'clock postmeridian August 30, and from 6 o'clock antemeridian October 6 to 6 o'clock postmeridian October 11.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DALE E. DOTY,

Acting Secretary of the Interior.

FEBRUARY 11, 1952.

[F. R. Doc. 52-1885; Filed, Feb. 14, 1952; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR Part 913]

(AO-23-A-11)

HANDLING OF MILK IN GREATER KANSAS
CITY MARKETING AREAPROPOSED AMENDMENTS TO TENTATIVE
MARKETING AGREEMENT AND TO ORDER, AS
AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hotel Bellerive, 214 E. Armour Boulevard, Kansas City, Missouri, beginning at 10:00 a. m., c. s. t., February 18, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area were proposed, as enumerated below.

Proposed by Pure Milk Producers Association of Greater Kansas City, Incorporated:

1. Amend § 913.7 to read as follows:

§ 913.7 *Producer*. "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by the applicable health authority of the marketing area for the production of milk to be used for consumption as milk in the marketing area on a dairy farm subject to the regular inspection of such authority, which (1) is received at a pool plant, or (2) is caused to be diverted from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases as Type I; Type II, No. 1; or Type III, No. 1, which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from this part pursuant to the provisions of § 913.62. As used in this part "dairy farm permit or rating"

means one issued by the health authority charged with the inspection of milk for fluid consumption in the part of the marketing area where such milk is sold or disposed of, or was sold or disposed of before being diverted.

2. Amend § 913.12 to read as follows:

§ 913.12 *Producer-handler*. Producer-handler means any person who produces milk and operates an approved plant but who receives no milk from producers or from sources other than pool plants.

3. Amend § 913.51 (a) to read as follows:

§ 913.51 (a) *Class I milk*. The basic formula price for the preceding delivery period plus one dollar and forty-five cents (\$1.45) per hundredweight, plus or minus a "supply demand" adjustment computed as follows:

(1) Divide the total gross volume of Class I milk (less inter-handler transfers) in the first and second delivery periods preceding by the total receipts of producer milk for the same delivery periods, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net utilization percentage" by subtracting from the Class I utilization percentage so computed, the percentage shown below for the delivery period:

Delivery period for which price applies	Delivery periods used in computation	Percentage
January.....	November-December.....	89
February.....	December-January.....	87
March.....	January-February.....	84
April.....	February-March.....	82
May.....	March-April.....	80
June.....	April-May.....	73
July.....	May-June.....	65
August.....	June-July.....	63
September.....	July-August.....	65
October.....	August-September.....	73
November.....	September-October.....	82
December.....	October-November.....	87

(3) For each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 4 cents and for each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents except that the maximum amount of the adjustment shall in no event exceed 45 cents.

4. Amend various sections of the order in such a way as to provide that 75 cents per hundredweight of the Class I value of the pool for each of the delivery periods of April, May, June and July shall be set aside and the money retained in the producer-settlement fund for distribution to producers as provided in § 913.86 under the fall incentive payment plan.

5. Make such other changes as may be required to make the entire marketing agreement and order conform with any

amendments thereto that may result from this hearing.

Proposed by the following handlers: Country Club Dairy Company, Alnes Farm Dairy Company, Borden Milk and Ice Cream Company, Chapman Dairy Company, Meyer Sanitary Milk Company, Allvine Dairy Company, Adams Dairy Company, DeCoursey Creamery Company, and Cedar Crest Farm.

6. (a) Reopen § 913.44 (a) and amend its provisions so that, in the interhandler transfer of milk, the handler will not be charged the difference between Class II and Class I if the transfer is made at a time when the receiving handler is unable to utilize such milk as Class I, as shown by the receipts of the handler at the time of the transfer, subject to verification by the market administrator.

(b) Reopen such other sections as may be necessary to effect the foregoing.

7. Delete § 913.51 (b) and substitute therefor the following:

§ 913.51 (b) *Class II milk*. The average price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butter fat content received during such delivery period by the following plants at the following places:

Company and Location

The Borden Milk Co., Fort Scott, Kans.
Carnation Co., Eldorado Springs, Mo.
Producers Creamery Co., Eldorado Springs, Mo.
Wilson and Co., Humansville, Mo.
Riverview Cheese Co., Osceola, Mo.
Stockton Cheese Co., Stockton, Mo.
Center Milk Products Co., Maryville, Mo.
Emma Creamery Co., Emma, Mo.
Bennett Creamery Co., Ottawa, Kans.
Hiawatha Dairy Products Co., Hiawatha, Kans.
Concordia Creamery Co., Concordia, Mo.
Kraft Foods Co., Warsaw, Mo.
Central Farm Products Co., Trenton, Mo.
Nemaha Cooperative Creamery Association, Sabetha, Kans.

8. (a) That § 913.71 (c) be amended by striking out the words "May, June and July" and substituting the words "April, May and June."

(b) That § 913.86 be amended by striking out the words "October, November and December" wherever they appear and substituting the words "September, October and November."

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the market administrator, 3808 Broadway, Second Floor, Kansas City, Missouri, or from the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 12, 1952.

ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-1911; Filed, Feb. 14, 1952; 8:51 a. m.]

[7 CFR Part 949]

HANDLING OF MILK IN SAN ANTONIO,
TEXAS, MARKETING AREANOTICE OF EXTENSION OF TIME FOR FILING
EXCEPTIONS TO RECOMMENDED DECISION
WITH RESPECT TO PROPOSED MARKETING
AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and order to regulate the handling of milk in the San Antonio, Texas, marketing area, which was issued January 22, 1952 (17 F. R. 828) is hereby extended to February 25, 1952.

Dated: February 12, 1952.

ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-1913; Filed, Feb. 14, 1952;
8:51 a. m.]

[7 CFR Part 980]

[Docket No. AO-182-A3]

HANDLING OF MILK IN TOPEKA, KANSAS,
MARKETING AREAPROPOSED AMENDMENTS TO THE TENTATIVE
MARKETING AGREEMENT AND TO THE ORDER,
AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hotel Kansas, Topeka, Kansas, beginning at 10:00 a. m., c. s. t., February 21, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. These proposed amendment have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area were proposed, as enumerated below.

Proposed by Shawnee County Milk Producers Association:

1. Add to § 980.1 a paragraph to read as follows:

Approved dairy farmer. "Approved dairy farmer" means any person who holds a currently valid permit or rating issued by the health authorities of any municipal or state government for the production of milk to be disposed of as Grade A milk, or (2) acceptable to agen-

cies of the United States Government for fluid consumption in its institutions or bases as Type I, Type II, No. 1, or Type III, No. 1 as specified under Federal Specification Milk, Whole, Fresh C. M. 381e or as specifications are further amended for milk of similar specifications.

2. Delete § 980.1 (e) and substitute therefor the following:

Producer. "Producer" means any approved dairy farmer other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates a pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association.

3. Add to § 980.1 a paragraph to read as follows:

Pool plant. "Pool plant" means any approved plant other than that of a producer-handler, (a) during any delivery period of January, February, July, August, September, October, November, or December within which such plant disposes of on routes as Class I or Class II milk in the marketing area, an amount of milk equal to 15 percent or more of such plant's receipts of milk from approved dairy farmers, and (b) during each of the delivery periods of March, April, May, and June, if during the preceding delivery periods of August, September, October, and November such plant (1) was a pool plant during each such delivery period, and (2) disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers during such delivery periods: *Provided*, That an approved plant which was not an approved plant during each of the preceding delivery periods of August, September, October, and November shall be a pool plant during any of the delivery periods of March, April, May and June within which such plant disposes of as Class I and Class II milk in the marketing area an amount of milk equal to 40 percent or more of such plant's receipts of milk from approved dairy farmers.

For the purpose of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

4. Delete § 980.1 (f) and substitute therefor the following:

Handler. "Handler" means any person who, on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all or a portion of the milk purchased or received by him at an approved plant from (a) approved dairy farmers, (b) his own production, and (c) other

handlers. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area.

5. Delete § 980.1 (h) and substitute therefor the following:

Producer-handler. "Producer-handler" means any person who produces milk and operates an approved plant, but receives no milk from producers or other sources than his own production or from pool plants: *Provided*, That (1) the maintenance, care and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise and at the personal risk of such persons in his capacity as a producer, and (2) the processing, packaging and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer-handler.

6. Delete § 980.1 (k) and substitute therefor the following:

Milk product. "Milk product" means any product manufactured from milk or milk ingredients except products which fall within the definition of Class III milk pursuant to paragraph (3) of § 980.4 and which is disposed of in the form in which received without further processing or packaging by the handler.

7. Revamp classification section by deletion and substitute the following:

Basis of classification. All milk and milk products purchased, received or produced by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area, shall be reported by the handler in the classes set forth in § 980.4 subject to the following conditions:

(a) Milk or skim milk moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I milk;

(b) Cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class II milk if moved under Grade A certification and shall be Class III milk if so moved without Grade A certification;

(c) Milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I if moved in the form of milk or skim milk and Class II if moved in the form of cream, unless the purchaser certifies that the market administrator may verify his records. If the market administrator is permitted to verify the necessary records such milk, skim milk, or cream, shall be classified as follows: (1) Determine the classification of all milk received in the unapproved plant, and (2) allocate the milk, skim milk, or cream received from the approved plant to the highest use classification remaining after subtracting in series beginning with the highest use

classification, the receipts of milk at such unapproved plant directly from dairy farmers who the market administrator determines constitute its regular source of milk for Class I and Class II use.

(d) Milk, skim milk or cream moved from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and which does not distribute fluid milk or cream shall be classified as Class III milk.

(e) Milk or skim milk sold or disposed of by a handler who purchases or receives milk from producers to another handler shall be classified as Class I milk: *Provided*, That if such milk or skim milk, except milk or skim milk sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class II milk or Class III milk, it shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(f) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler shall be classified as Class II milk: *Provided*, That if such cream, except cream sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class III milk, such cream shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

8. Delete paragraph (a) and subparagraph (b) (1) of § 980.4 and substitute the following:

Classes of utilization. Subject to the conditions set forth in § 980.1 (Basis of classification) the classes of utilization shall be as follows:

(a) Class I milk shall be all milk and skim milk (1) disposed of for consumption as milk, skim milk, buttermilk, flavored milk and milk drinks, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption, neither sterilized nor in hermetically sealed cans, (3) all milk not classified as Class II milk and Class III milk pursuant to paragraphs (b) and (c) of this section [reletter subparagraphs (2) and (3) of this section as (b) and (c) of this section].

9. Delete subparagraph (f) (3) of § 980.4 and substitute the following:

Determine the total pounds of milk in Class I as follows: (1) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart (except that in case of converting milk, flavored milk, or flavored milk drinks in concentrated form, such conversion shall apply to the volume of milk used in the production of the concentrated product rather than the volume of finished product) and subtract the weight of any flavoring material included, (2) multiply the result by the average butterfat test of such milk, and (3) if the quantity of butterfat so computed when added to the pounds of butterfat

in Class II and Class III milk, computed pursuant to subparagraphs (4) and (5) of this paragraph are less than the total pounds of butterfat computed in accordance to subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subdivision (1) of this subparagraph.

10. Delete § 980.5 (a) and substitute the following:

Class prices. Each handler shall pay at the time and in the manner set forth in § 980.8 not less than the following prices per hundredweight of milk received during each period from producers.

(1) *Class I milk.* The price per hundredweight shall be the basic formula price determined pursuant to paragraph (b) of this section plus one dollar and forty-five cents (\$1.45) per hundredweight, plus or minus an amount predicated on the plus or minus amount each period on the Greater Kansas City Market under Order No. 13: *Provided*, That in no event shall the Class I price for each of the delivery periods of October, November and December of each year be less than that for September of the same year, and in no event shall the Class I price for each of the delivery periods of April, May and June of each year be more than that for March of each year.

(2) *Class II milk.* The price per hundredweight shall be the Class I price less 25 cents.

(3) *Class III milk.* The price per hundredweight for Class III milk during each delivery period shall be the average price ascertained by the market administrator to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received during such delivery period at the following plants: The Jensen Creamery Company at its plant at Topeka, Kansas, The Beatrice Foods Company at its plant at Topeka, Kansas, and the Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas.

11. Amend various sections of the order in such a way as to provide that 75 cents per hundredweight of the Class I value of the pool for each of the delivery periods of April, May, June and July shall be set aside and the money retained in the producer-settlement fund for distribution to producers as provided in § 980.8 (f) (2) under the fall incentive payment plan.

12. Amend § 980.6 by adding a paragraph to read as follows:

(f) *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period, shall in lieu of the payments required pursuant to § 980.8, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either subparagraph (1), or subparagraph (2) of this paragraph, whichever is less.

(1) The sum of (i) the product of the quantity of milk received by such han-

dler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 980.5 (a) (1) and the price for Class III milk pursuant to § 980.5 (a) (3), and (ii) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class II milk during the delivery period multiplied by the difference between the price for Class II milk pursuant to § 980.5 (a) (2) and the price for Class III milk pursuant to § 980.5 (a) (3).

(2) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 980.7 (a) for such handler for such delivery period if such handler operated a pool plant, deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

13. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Proposed by Beatrice Foods Company:

14. Amend § 980.4 (b) (2) to read as follows:

§ 980.4 (b) (2) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream other than for use in products specified in subparagraph (3) of this paragraph, products sold or disposed of in the form of cream testing less than 18 percent butterfat (including cream used in creaming cottage cheese disposed of as creamed cottage cheese).

15. Amend § 980.4 (b) (3) to read as follows:

§ 980.4 (b) (3) Class III milk shall be all milk used to produce butter, cheese, evaporated milk, ice cream, ice cream mix, frozen desserts, aerated cream products, eggnog, cottage cheese, powdered milk; milk disposed of as livestock feed; milk used for starter churning, wholesale baking and candy making purposes, the milk equivalent of butterfat accounted for as loss in products where the salvage of fat is impossible and the milk equivalent of unaccounted for butterfat not in excess of 3 percent of the total receipts from other handlers and all milk not specifically accounted for pursuant to subparagraph (1) and (2) of this paragraph.

Proposed by Dairy Branch, Production and Marketing Administration:

16. Amend the order by adding the following sections:

§ 980.14 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year periods, the market administrator notifies the handler in writing that the retention of such books and records, or

specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 980.15 Termination of obligation. The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation

exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

17. Renumber the sections, paragraphs, subparagraphs, and subdivisions of the order in accordance with the revised FEDERAL REGISTER procedure.

Copies of this notice of hearing and of the order, as amended, now in effect may be procured from the Market Administrator, 3803 Broadway, 2nd Floor, Kansas City, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 12, 1952.

ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-1912; Filed, Feb. 14, 1952;
8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

SMALL TRACT CLASSIFICATION NO. 79

JANUARY 25, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 2,280 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 79

For lease and sale for homesteads only:

- T. 21 S., R. 60 E., M. D. M.,
Sec. 11, N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 12, W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
T. 22 S., R. 61 E., M. D. M.,
Sec. 6, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$
SW $\frac{1}{4}$ and SE $\frac{1}{4}$,
Sec. 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and
SW $\frac{1}{4}$,
Sec. 20, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Leases for lands in Lots 1 and 2 of section 6, T. 22 S., R. 61 E., will not be issued until a supplemental plat has been prepared assigning tract numbers to the irregular areas.

The land is situated in Clark County, Nevada, and all of the tracts are within a few miles of the City of Las Vegas. Las Vegas is one of the largest towns in the State of Nevada and has all of the usual community services. Summer temperatures in the area are quite high, but the climate as a whole is one considered ideal for health and recreational purposes.

2. As to applications regularly filed prior to 10:00 a. m., January 17, 1952, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this para-

graph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through

settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of the various parcels, as follows:

Per tract	
T. 21 S., R. 60 E., M. D. M., Sec. 11, N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	\$50
Sec. 12: W $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	250
NW $\frac{1}{4}$ -----	150
SW $\frac{1}{4}$ -----	75
T. 22 S., R. 61 E., M. D. M., Sec. 6: Lots 1 and 2 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	150
SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ -----	100
SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ -----	50
Sec. 8: SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ -----	150
S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ -----	100
Sec. 20: E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	250
W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ -----	150
NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	100

Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 52-1838; Filed, Feb. 14, 1952;
8:49 a. m.]

NEVADA

SMALL TRACT CLASSIFICATION NO. 80

JANUARY 25, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Nevada land district, embracing approximately 160 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 80

For lease and sale for homesites only:

T. 21 S., R. 61 E., M. D. M.,
Sec. 31, S $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
T. 22 S., R. 61 E., M. D. M.,
Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The lands are situated in Clark County, Nevada, 12 miles south of the City of Las Vegas, Nevada. Las Vegas is one of the largest towns in the State of Nevada and has all of the usual facilities, such as schools, churches, hospitals, business establishments, etc. The lands are adjacent to the main Las Vegas-Los Angeles Highway. They are in an area famous for recreational activities, and the climate is considered ideal from a winter resort standpoint. Summer temperatures are quite high.

2. As to applications regularly filed prior to 10:00 a. m., January 18, 1952, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of the various parcels, as follows:

Per tract	
T. 21 S., R. 61 E., M. D. M., Sec. 31, S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	\$150
Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	150
T. 22 S., R. 61 E., M. D. M., Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	150

Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 52-1839; Filed, Feb. 14, 1952;
8:49 a. m.]

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK
IN NORTH CAROLINAACCEPTANCE OF EXCLUSIVE JURISDICTION
OVER CERTAIN LANDS

Take notice that effective as of the third day of January 1952, at 9 a. m., e. s. t., the United States accepted exclusive jurisdiction over certain lands within the North Carolina portion of the Great Smoky Mountains National Park. Acceptance of such jurisdiction was effected by notifying the Governor of the State of North Carolina thereof through a letter reading as follows:

Registered Mail
Return Receipt Requested

DECEMBER 29, 1951.

MY DEAR GOVERNOR SCOTT:

The United States has acquired under authority of the Tennessee Valley Authority Act of 1933, as amended (16 U. S. C., 1946 ed., secs. 831-831dd), certain lands in Swain County, North Carolina, in connection with the Fontana Dam and Reservoir Project. Approximately 44,179 acres of the lands so acquired are situated within the authorized boundaries of the Great Smoky Mountains National Park, the establishment of which was authorized by the act of May 22, 1926 (44 Stat. 616; 16 U. S. C., 1946 ed., secs. 403-403c). On November 15, 1949, the President of the United States approved the transfer of such lands from the Tennessee Valley Authority to the administrative jurisdiction of the Department of the Interior pursuant to authority contained in Section 4 (k) (c) of the Tennessee Valley Authority Act, as amended, and the lands are now being administered by this Department, through the National Park Service, as a part of the Great Smoky Mountains National Park.

Notice is hereby given, pursuant to section 255 of the Revised Statutes of the United States, as amended (40 U. S. C., 1946 ed., sec. 255), and section 10 of the act of April 29, 1942 (56 Stat. 258, 261; 16 U. S. C., 1946 ed., sec. 403h-10), that the United States accepts the cession of exclusive jurisdiction from the State of North Carolina and assumes police jurisdiction over these lands effective as of the first day of January 1952, at 12 m., Eastern Standard Time. The transfer of such jurisdiction to the United States has been authorized by the Act of the General Assembly of North Carolina, approved March 18, 1947 (Public Acts of North Carolina, 1947, p. 353), extending the provisions of the Act of the General Assembly of North Carolina, approved March 13, 1929 (Public Acts of North Carolina, 1929, p. 272), ceding to the United States exclusive jurisdiction, subject to certain reservations, in and over lands conveyed to it by the State of North Carolina for the Great Smoky Mountains National Park, to all lands in North Carolina which may be acquired by the United States from sources other than the State of North Carolina and included within the Park.

The lands covered by this acceptance are those acquired by the United States through the deeds of conveyance and condemnation proceedings listed in the schedule marked "Exhibit A", attached as a part hereof.

It is requested that you endorse the enclosed duplicate original of this notice, indicating the date and hour of its receipt, and return it to this Department. A return en-

velope requiring no postage is enclosed for your convenience.

Sincerely yours,

R. D. SEARLES,
Acting Secretary of the Interior.
The Honorable W. KERR SCOTT, Governor of
North Carolina, Raleigh, North Carolina.

Enclosure.
Received this 3d day of January 1952 at
9 a. m.

W. KERR SCOTT,
Governor of North Carolina.
Done at Washington, D. C., this 6th
day of February, 1952.

[SEAL] HILLORY A. TOLSON,
Acting Director,
National Park Service.

EXHIBIT A—SCHEDULE SHOWING PLACE OF RECORDATION OF DEEDS AND CONDEMNATION DECREES COVERING LANDS IN SWAIN COUNTY, N. C., ACQUIRED BY THE UNITED STATES THROUGH THE TENNESSEE VALLEY AUTHORITY AND NOW ADMINISTERED BY THE DEPARTMENT OF THE INTERIOR THROUGH THE NATIONAL PARK SERVICE AS A PART OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK

[To accompany notice from the Secretary of the Interior to the Governor of North Carolina of the assumption by the United States of exclusive jurisdiction over the said lands]

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FR 17...	Dec. 12, 1942	66	285
FR 18...	Sept. 19, 1944	67	612
FR 19...	Nov. 18, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. John Burns	71	319
FR 25...	Dec. 12, 1942	66	285
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FR 61...	do	66	285
FR 62...	do	66	285
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FR 72...	do	66	285
FR 73...	do	66	285
FR 74...	do	66	285
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FR 76...	do	66	285
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FR 168...	do	66	285
FR 169...	do	66	285
FR 170...	do	66	285
FR 171...	do	66	285
FR 172...	do	66	285
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FR 175...	do	66	285
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FR 244	do	66	285
FR 345	Apr. 30, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Jesse Calvin Welch, et al. (title vested in the United States on Mar. 23, 1943).	71	27
FR 378	Aug. 17, 1943	68	10
FR 379	Aug. 7, 1943	66	61
FR 380	June 15, 1943	67	53
FR 381	Aug. 7, 1943	66	61
FR 443	(Dec. 23, 1943)	67	131
FR 445	(Dec. 29, 1943)	67	141
FR 446	Sept. 19, 1944	67	191
FR 446	(Sept. 29, 1944)	67	27
FR 447	(Dec. 19, 1944)	67	267
FR 447	Feb. 14, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. Dallis Jones Brooks, et al.	69	260
FR 448	(May 27, 1944)	67	419
FR 449	(July 12, 1944)	67	239
FR 449	Dec. 29, 1943	67	191
FR 450	Nov. 15, 1948	72	270
FR 452	Apr. 14, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. William Cable, et al. (title vested in United States on June 7, 1944).	71	477
FR 454	Nov. 18, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. Harley N. Eallow.	71	321
FR 456	(Dec. 19, 1944)	67	259
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	(Sept. 29, 1944, United States of America ex rel Tennessee Valley Authority v. Ollie Moore Hall, et al., declaration of taking filed Oct. 14, 1944, vesting title in United States, but final decree has not been recorded.)		
FR 458	Dec. 20, 1945	67	139
FR 462	Dec. 1, 1945	67	113
FR 463	Dec. 27, 1943	68	293
FR 464	Dec. 1, 1943	67	119
FR 465	Feb. 14, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. W. A. Franklin.	69	589
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FR 467	Sept. 19, 1944	67	613
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FR 478	June 16, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Millie Morris Vickers (title vested in United States on Oct. 27, 1944).	71	569
FR 479	Dec. 30, 1943	67	157
FR 480	Sept. 19, 1944	67	613
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FR 483	Dec. 1, 1945	67	111
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FR 485	May 18, 1944	67	267
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FR 489	May 28, 1943	66	465
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FR 496	June 27, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. H. K. Cable heirs.	71	51
FR 496	Jan. 4, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Charlie Cable heirs.	71	41
FR 497	Jan. 4, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Charlie Cable heirs, et al.	71	41
FR 498	Sept. 19, 1944	67	613
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FR 502	Dec. 10, 1944	67	131
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FR 507...	May 22, 1944, final decree, United States of America ex rel Tennessee Valley Authority v. Jesse Calvin Welch, et al.	67	399
FR 508...	May 27, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. Russell Welch, et al.	71	57
FR 509...	June 14, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. E. T. Welch, et al.	71	79
FR 510...	May 27, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. Elizabeth Welch.	71	67
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FR 515...	Jan. 10, 1944.....	68	350
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FR 560...	May 2, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. J. E. Welch Heirs.	71	45
	(Aug. 24, 1943, United States of America ex rel Tennessee Valley Authority v. Guy Posey, et al., declaration of taking filed Oct. 2, 1944, vesting title in United States, but final decree has not been recorded.)	67	86
FR 563...	June 15, 1943.....	66	486
FR 566...	Sept. 4, 1944.....	67	566
FR 572...	Apr. 30, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Jesse Calvin Welch, et al. (title vested in United States on Mar. 20, 1944).	71	571
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FR 739...	Feb. 25, 1944.....	68	475
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FR 1008...	Mar. 17, 1947.....	67	198
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	Dec. 3, 1948, final decree, United States of America ex rel Tennessee Valley Authority v. Lizzie DeHart (title vested in United States on July 5, 1940).	72	380
FR 1009...	June 15, 1944.....	67	482
FR 1010...	(May 18, 1944.....	67	381
FR 1011...	do.....	67	382
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FR 1014...	Jan. 29, 1944.....	68	419
FR 1015...	Mar. 25, 1944.....	68	540
FR 1016...	Jan. 28, 1944.....	68	413
FR 1017...	Mar. 17, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Fred and Arthur Lollis.	71	542
FR 1018...	Jan. 15, 1948, final decree, United States of America ex rel Tennessee Valley Authority v. Phillip G. Rust (title vested in United States on Aug. 14, 1940).	72	156
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FR 1020...	Mar. 17, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. A. E. Bradshaw.	71	536
FR 1021...	Apr. 25, 1944.....	67	223
FR 1022...	Apr. 14, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. A. E. Bradshaw (title vested in United States on May 24, 1944).	71	573
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FR 1024...	Mar. 17, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. A. E. Bradshaw.	71	536
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FR 1030...	do.....	68	419
FR 1031...	Mar. 17, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. A. C. Hyatt.	71	529
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FR 1047...	Sept. 19, 1944.....	67	612
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FR 1050...	do.....	67	162
FR 1051...	Dec. 29, 1943.....	67	149
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FR 1058...	Apr. 12, 1944.....	68	594
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FR 1060...	Apr. 12, 1944.....	68	594
FR 1061...	(Sept. 19, 1944.....	67	612
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FR 1062...	Apr. 24, 1944.....	68	627
	May 29, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Rosie McClure (title vested in United States on May 21, 1945).	71	594
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FR 1066...	(Dec. 30, 1943.....	67	148
	do.....	68	321
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FR 1069...	May 16, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. James Kirkland (title vested in United States on May 21, 1945).	71	585
FR 1070...	Mar. 11, 1944.....	67	192
FR 1071...	May 16, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Wm. Kirkland Heirs (title vested in United States on May 21, 1945).	71	585
FR 1072...	Feb. 21, 1944.....	67	180
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FR 1076...	July 6, 1944.....	68	508
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	do.....	68	480
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FR 1087...	do.....	67	108
FR 1088...	do.....	67	110
FR 1089...	Dec. 29, 1943.....	67	139
FR 1090...	Nov. 23, 1943.....	67	109
FR 1092...	Aug. 16, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. S. Columbus Welch.	71	224
FR 1093...	Dec. 4, 1943.....	67	118
FR 1095...	Nov. 23, 1943.....	67	104
FR 1096...	Jan. 12, 1944.....	67	154
FR 1097...	Dec. 22, 1943.....	67	125
FR 1099...	Dec. 14, 1943.....	67	123
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FR 1101...	Apr. 6, 1944.....	67	308
FR 1102...	Aug. 16, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. Arnold Kirkland, et al.	71	228
FR 1104...	Sept. 19, 1944.....	67	612
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FR 1109...	July 14, 1944.....	67	237
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FR 1110...	Mar. 17, 1944.....	67	199
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	June 12, 1944.....	67	450
FR 1113...	do.....	67	450
	do.....	67	468
FR 1114...	Sept. 19, 1944.....	67	612
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FR 1115...	do.....	67	450
	do.....	67	468
FR 1116...	Sept. 19, 1944.....	67	612
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FR 1125.	Oct. 11, 1944.	67	282
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FR 1126.	do.	67	218
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FR 1134.	do.	67	408
FR 1135.	Sept. 2, 1944.	67	247
FR 1136.	Sept. 18, 1944.	67	592
FR 1136.	Oct. 11, 1944.	67	282
FR 1137.	Oct. 11, 1944, United States of America ex rel Tennessee Valley Authority v. Granville L. Calhoun, declaration of taking filed Feb. 12, 1945, vesting title in United States, but final decree has not been recorded (1/108 interest only).	67	282
FR 1138.	June 12, 1944.	67	450
FR 1138.	do.	67	450
FR 1138.	do.	67	408
FR 1139.	Feb. 8, 1944.	67	173
FR 1141.	Dec. 16, 1943.	67	126
FR 1143.	Feb. 10, 1944.	67	174
FR 1143.	Dec. 29, 1944.	67	259
FR 1145.	Dec. 23, 1944.	69	160
FR 1145.	do.	69	167
FR 1147.	Jan. 27, 1944.	68	387
FR 1149.	Feb. 14, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. W. A. Franklin.	69	589
FR 1150.	Jan. 27, 1944.	68	387
FR 1150.	Sept. 19, 1944.	67	612
FR 1151.	Feb. 14, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. W. A. Franklin.	69	589
FR 1152.	Dec. 16, 1943.	67	122
FR 1152.	Sept. 19, 1944.	67	612
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FR 1154.	Feb. 8, 1944.	68	435
FR 1154.	Sept. 19, 1944.	67	612
FR 1155.	Mar. 8, 1944.	68	498
FR 1155.	Sept. 19, 1944.	67	612
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FR 1156.	Sept. 11, 1944, final decree, United States of America ex rel Tennessee Valley Authority v. Ed Cable.	67	285
FR 1157.	Dec. 15, 1943.	68	249
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FR 1160.	Sept. 19, 1944.	67	612
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FR 1163.	Dec. 29, 1943.	67	143
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FR 1165.	Jan. 13, 1944.	67	155
FR 1165.	Sept. 19, 1944.	67	612
FR 1166.	Apr. 18, 1944.	67	217
FR 1167.	June 12, 1944.	67	450
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FR 1167.	do.	67	408
FR 1168.	Dec. 19, 1944.	67	338
FR 1169.	Sept. 19, 1944.	67	612
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FR 1171.	Dec. 27, 1943.	67	137
FR 1172.	Jan. 30, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. Josephine Wright, et al.	69	235
FR 1173.	Dec. 22, 1943.	68	293
FR 1174.	Dec. 15, 1943.	68	251
FR 1175.	Dec. 10, 1943.	68	254
FR 1176.	do.	68	254
FR 1177.	Jan. 19, 1944.	68	309
FR 1178.	May 28, 1945.	67	654
FR 1180.	Feb. 14, 1944.	67	176
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FR 1185.	do.	67	228
FR 1185.	Feb. 18, 1944.	67	179
FR 1187.	Dec. 24, 1943.	68	303
FR 1188.	Dec. 27, 1943.	67	136
FR 1191.	Apr. 7, 1944.	67	215
FR 1192.	Jan. 27, 1944.	68	397
FR 1193.	do.	68	397
FR 1194.	Mar. 31, 1944.	67	207
FR 1195.	Dec. 30, 1943.	67	147
FR 1195.	May 30, 1944.	67	420
FR 1196.	Nov. 23, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. Hester Conley, et al., 1/4 interest.	71	331
FR 1198.	Sept. 19, 1944.	67	612
FR 1199.	Mar. 31, 1944.	68	550
FR 1200.	Feb. 2, 1944.	67	167
FR 1201.	Jan. 27, 1944.	68	397
FR 1201.	May 8, 1944.	67	355
FR 1201.	do.	67	356
FR 1201.	Mar. 16, 1946.	68	516
FR 1202.	Nov. 23, 1946, final decree, United States of America ex rel Tennessee Valley Authority v. General J. Welch, et al., 1/4 interest.	71	331
FR 1203.	Feb. 12, 1944.	67	173
FR 1204.	Feb. 1, 1944.	68	421
FR 1206.	Mar. 16, 1944.	68	513
FR 1207.	do.	68	513
FR 1208.	Feb. 8, 1944.	67	172
FR 1209.	Feb. 7, 1943.	68	237
FR 1210.	June 30, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Farley Cemetery (title vested in United States on June 26, 1946).	71	608
FR 1211.	Dec. 7, 1943.	67	119
FR 1212.	Dec. 21, 1943.	67	131
FR 1213.	Dec. 18, 1943.	67	127
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FR 1215.	Dec. 27, 1943.	68	200
FR 1215.	Sept. 18, 1944.	67	612
FR 1216.	Apr. 21, 1944.	68	622
FR 1216.	Sept. 19, 1944.	67	612
FR 1217.	Dec. 7, 1943.	67	129
FR 1217.	Sept. 19, 1944.	67	612
FR 1218.	Dec. 29, 1943.	67	142
FR 1218.	Sept. 19, 1944.	67	612
FR 1219.	Feb. 24, 1944.	68	469
FR 1220.	Jan. 19, 1944.	68	269
FR 1221.	Jan. 22, 1944.	68	376
FR 1222.	Dec. 3, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. McClure Cemetery (title vested in United States on July 15, 1946).	72	382
FR 1223.	Jan. 19, 1944.	68	309
FR 1224.	Dec. 8, 1943.	67	121
FR 1225.	Jan. 28, 1944.	68	413
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FR 1229.	Dec. 17, 1943.	68	267
FR 1230.	Jan. 28, 1944.	68	415
FR 1230.	Oct. 28, 1944.	67	292
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FR 1231.	Jan. 15, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. J. B. Barnhardt, et al. (title vested in United States on Aug. 14, 1944).	72	156
FR 1231.	do.	67	292
FR 1232.	Mar. 4, 1944.	67	187
FR 1233.	Mar. 17, 1947, final decree, United States of America ex rel Tennessee Valley Authority v. Cole Hyatt.	71	629
FR 1234.	Jan. 27, 1944.	68	391
FR 1234.	Oct. 28, 1944.	67	292
FR 1235.	Jan. 28, 1944.	68	415
FR 1235.	Oct. 28, 1944.	67	292
FR 1236.	Dec. 14, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. A. M. Frye Heirs.	71	338
FR 1237.	Nov. 9, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. J. A. Proctor, et al.	69	438
FR 1238.	Sept. 19, 1944.	67	612
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FR 1241.	do.	67	612
FR 1242.	Feb. 24, 1944.	68	469
FR 1243.	Sept. 19, 1944.	67	612
FR 1243.	Dec. 18, 1943.	67	129
FR 1244.	Sept. 19, 1944.	67	612
FR 1245.	Dec. 30, 1943.	67	149
FR 1245.	Sept. 19, 1944.	67	612
FR 1245.	June 2, 1945.	67	346
FR 1248.	Sept. 19, 1944.	67	612
FR 1248.	Sept. 27, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. Proctor Baptist Church.	69	305
FR 1249.	July 26, 1944.	69	62
FR 1250.	do.	69	62
FR 1251.	Jan. 14, 1944.	67	157
FR 1252.	Jan. 27, 1944.	68	406
FR 1253.	July 17, 1945, final decree, United States of America ex rel Tennessee Valley Authority v. George Kirkland.	69	346
FR 1254.	June 12, 1944.	67	450
FR 1254.	do.	67	459
FR 1254.	do.	67	408
FR 1255.	Dec. 17, 1943.	68	279
FR 1256.	Sept. 19, 1944.	67	612
FR 1257.	Mar. 31, 1944.	68	550
FR 1257.	Dec. 22, 1943.	68	293
FR 1258.	do.	68	293
FR 1259.	Sept. 19, 1944.	67	612
FR 1259.	Feb. 8, 1944.	67	171
FR 1262.	Sept. 19, 1944.	67	612
FR 1263.	do.	67	612
FR 1264.	Dec. 21, 1943.	68	267
FR 1265.	do.	68	302
FR 1265.	May 2, 1944.	68	645
FR 1266.	June 21, 1944.	67	232
FR 1266.	June 30, 1944.	67	234
FR 1268.	Jan. 27, 1944.	68	406
FR 1269.	Dec. 19, 1944.	67	296
FR 1270.	do.	67	338
FR 1271.	June 12, 1944.	67	450
FR 1271.	do.	67	459
FR 1271.	do.	67	408
FR 1272.	Sept. 19, 1944.	67	612
FR 1273.	Dec. 19, 1944.	67	338
FR 1274.	June 12, 1944.	67	450
FR 1274.	do.	67	459
FR 1274.	do.	67	408
FR 1275.	do.	67	450
FR 1275.	do.	67	459
FR 1275.	do.	67	408
FR 1275.	do.	67	450
FR 1275.	do.	67	459
FR 1275.	do.	67	408
FR 1276.	June 12, 1944, United States of America ex rel Tennessee Valley Authority v. McCoy (mineral interest), declaration of taking filed May 29, 1947, vesting title in United States, but final decree has not been recorded.	67	408
FR 1277.	Sept. 19, 1944.	67	612
FR 1277.	May 19, 1944.	67	399
FR 1278.	do.	67	388
FR 1278.	do.	67	387
FR 1278.	do.	67	385
FR 1279.	do.	67	384
FR 1279.	June 12, 1945.	67	201
FR 1280.	Sept. 19, 1944.	67	612
FR 1281.	Dec. 19, 1944.	67	338
FR 1283.	Dec. 31, 1943.	67	112
FR 1283.	June 15, 1944.	67	490
FR 1284.	July 31, 1944.	67	242
FR 1284.	Sept. 25, 1944.	67	248
FR 1284.	Nov. 30, 1944.	67	328
FR 1284.	Nov. 6, 1946.	67	294
FR 1284.	Dec. 3, 1946.	67	295
FR 1285.	Sept. 27, 1945, United States of America ex rel Tennessee Valley Authority v. Ed Anthony, et al., declaration of taking filed May 12, 1944, vesting title in United States but final decree has not been recorded.	67	293
FR 1285.	do.	67	293
FR 1286.	Feb. 28, 1944.	67	184
FR 1287.	Feb. 28, 1944.	67	185
FR 1288.	Jan. 27, 1944.	68	407
FR 1288.	Apr. 18, 1944.	68	607
FR 1289.	do.	68	608
FR 1289.	do.	68	608
FR 1290.	March 27, 1944.	68	201
FR 1291.	do.	67	201
FR 1292.	Jan. 28, 1944.	67	177
FR 1293.	Oct. 28, 1944.	67	292
FR 1293.	Mar. 2, 1945.	67	243

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FR 1296	Nov. 25, 1944	67	318
	May 29, 1947, final decree, United States of America ex rel. Tennessee Valley Authority v. Roxie McClure (title vested in United States on May 21, 1945).	71	594
FR 1301	Sept. 19, 1944	67	612
FR 1302	Dec. 19, 1944	67	338
FR 1306	Mar. 11, 1944	67	194
	Apr. 10, 1947, final decree, United States of America ex rel. Tennessee Valley Authority v. J. E. Coburn Heirs (title vested in United States on Dec. 30, 1944).	71	597
FR 1309	Apr. 10, 1948, final decree, United States of America ex rel. Tennessee Valley Authority v. J. E. Coburn Heirs (title vested in United States on Dec. 30, 1944).	71	597
FR 1310	Sept. 19, 1944	67	612
FR 1311	June 24, 1944	67	233
FR 1315	Sept. 26, 1944	67	650
FR 1345	Mar. 17, 1945	67	345
	Sept. 19, 1945	69	385
	Oct. 27, 1945	69	479
	do.	69	477
FR 1349	do.	69	475
	do.	69	476
	Oct. 31, 1945	69	480
	Feb. 12, 1946	67	347
FR 1374	May 16, 1947, final decree, United States of America ex rel. Tennessee Valley Authority v. James Kirkland, et al. (title vested in United States on May 21, 1945).	71	585

[F. R. Doc. 52-1743; Filed, Feb. 12, 1952; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

YVONNE JEANNE SCHOPFER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservation expenses:

Claimant, Claim No., and Property

Yvonne Jeanne Schopfer and Lella Madeleine Mabilieu, Paris, France, Ann Hurst, Descanso, California; Claim Nos. 40572 and 12069; \$28,500 in the Treasury of the United States, 5/8 thereof to claimant Yvonne Jeanne Schopfer, 1/8 thereof to claimant Lella Madeleine Mabilieu, 1/8 thereof to claimant Ann Hurst, and 1/8 thereof to claimants Lella Madeleine Mabilieu and Ann Hurst, share and share alike, subject to a usufruct (life estate) in favor of Yvonne Jeanne Schopfer. All right, title, interest and claim in, to and under the copyrights for the novel "Mayerling" and for the English translation thereof (Idyll's End) and for the play of the same name, copyrights registered under Nos. A. For. 7953, A. 29239 and D. 82168, including claims for damages for past infringement and pending actions; a share of 5/8 therein to Yvonne Jeanne Schopfer, a share of 1/8 therein to Lella Madeleine Mabilieu, a share of 1/8 therein

to Ann Hurst, and a share of 1/8 therein, share and share alike, to Lella Madeleine Mabilieu and Ann Hurst, subject to a usufruct (life estate) in favor of Yvonne Jeanne Schopfer.

Executed at Washington, D. C., on February 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1908; Filed, Feb. 14, 1952; 8:50 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[NPA Delegation 14, as Amended Feb. 15, 1952]

ADMINISTRATOR OF FEDERAL SECURITY
AGENCY ET AL.

DELEGATION OF AUTHORITY TO PROCESS APPLICATIONS UNDER NPA ORDER M-4A AND TO MAKE ALLOTMENTS AND TO ASSIGN RATINGS UNDER CMP REGULATION NO. 6

NPA Delegation 14 as amended August 3, 1952 (16 F. R. 7628), is hereby further amended to change the category of construction, jurisdiction over which is delegated to General Services Administration. This amended Delegation 14 embodies the substance of Amendment No. 1 of September 25, 1951 (16 F. R. 9784), Amendment No. 2 of January 8, 1952 (17 F. R. 326), and Amendment No. 3 of January 29, 1952 (17 F. R. 901). As so amended NPA Delegation 14 reads as follows:

1. Pursuant to the authority under the Defense Production Act of 1950 (Pub. Law 774, 81st Cong. as amended by Pub. Law 96, 82d Cong.), Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), and Defense Production Administration Delegation 1 (16 F. R. 733), the following functions to be performed pursuant to NPA Order M-4A and CMP Regulation No. 6 are delegated to each of the persons named in Table I of this Delegation, with power to delegate and to authorize successive delegations with respect to the categories of construction set forth in Table I opposite his name: To authorize construction schedules of prime contractors in accordance with the provisions of CMP Regulation No. 6; to make allotments of controlled materials for construction; to apply or to assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of materials and products other than controlled materials which are required for construction under an approved construction program as provided by CMP Regulation No. 6. Power is further delegated to process applications for adjustment or exception under the provisions of CMP Regulation No. 6, and to take final appellate action under the regulation.

2. The authority delegated by paragraph 1 of this delegation shall be exercised within such construction program determinations or other quantitative restrictions as may be established by the Defense Production Administration, and in accordance with such instructions,

record-keeping and reporting requirements, and policy directives, as may be issued from time to time by the National Production Authority. Such delegated authority shall also be exercised in conformity with the regulations and orders of the National Production Authority, and in conformity with the provisions of CMP Regulation No. 6, and as contained in the instructions applicable to forms to be made use of in connection with CMP Regulation No. 6, or such other forms as have been or will be approved by the National Production Authority.

3. In addition, the following power is delegated to the persons named in subparagraphs (a) and (b) of this paragraph with power to delegate and to authorize successive delegations.

(a) To the Administrator of Veterans' Affairs, and to the Administrator of the Federal Security Agency, power to receive, consider, pass upon, and take action in his own name, including appellate action, upon applications for adjustment or exception under the provisions of section 4 of NPA Order M-4A, to authorize commencement of construction of buildings, structures, or projects of the type specified in Table I of NPA Order M-4A, which buildings, structures, or projects are required as part of an integrated hospital program.

(b) To the Administrator of the Federal Security Agency, power to receive, consider, pass upon, and take action in his own name, including appellate action, upon applications for adjustment or exception under the provisions of section 4 of NPA Order M-4A, to authorize commencement of construction of a gymnasium which is to be an integral part of a school plant and is to be used primarily in instructional purposes in physical education and training, and which does not include facilities for spectator seating.

4. Any adjustment or exception under NPA Order M-4A issued by any delegate pursuant to this delegation must be correlated with the delegate's activities under the Controlled Materials Plan of the National Production Authority; and all projects approved by each delegate, and the allotment of controlled materials made therefor, will be charged against the total construction program and allotments approved for such delegate by the Defense Production Administration.

5. As used in this delegation, the terms "petroleum," "gas," "solid fuels," "electric power," "metals and minerals," "food," "domestic transportation," "storage," and "port facilities" have the same meanings as are set forth in Executive Order 10161.

6. All actions taken pursuant to this delegation shall be in the name of the delegate or other official to whom like authority has been delegated by the delegate, and shall be authenticated by the signature and title of the individual authorized to take such actions.

This delegation as amended shall take effect February 15, 1952.

NATIONAL PRODUCTION
AUTHORITY,
HENRY H. FOWLER,
Administrator.

TABLE I OF NPA DELEGATION 14

Delegate	Category of Construction
The Administrator of the Federal Security Agency.	All school and library construction, all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs (but not water supply and sewer construction programs) except such types of construction on federally owned property under the control of the Atomic Energy Commission, and such types of construction on military reservations; college housing.
The Administrator of Veterans' Affairs.	The hospital program of the Veterans' Administration.
The Administrator of the Housing and Home Finance Agency.	Housing construction, alteration, and repair, except: housing and community facilities on federally owned property under the control of the Atomic Energy Commission; housing on military reservations; military housing under Public Law 211, 81st Congress; college housing; and farmstead construction.
The Secretary of Agriculture.	Farm construction, including farmstead construction; food production and processing facilities, and wholesale food distribution facilities within the limits of the memorandum of agreement between the Administrator of the Production and Marketing Administration and the Administrator of the National Production Authority (16 F. R. 3410), as from time to time amended or supplemented.
The Secretary of the Interior.	Facilities for departmental programs of the Department of the Interior; facilities for the production, preparation, and processing of solid fuels; facilities for the production and processing of fishery products.
The Petroleum Administrator for Defense.	Facilities for the production, processing, refining, and distribution of petroleum and gas, and facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation No. 9 (but not filling stations).
The Secretary of Commerce.	Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, regardless of financing; air navigation facilities, civil airports; shipyards.
The Administrator of the Defense Transport Administration.	Facilities for domestic transportation, storage, and port facilities, as defined in E. O. 10161.
The Atomic Energy Commission.	All construction by, or for the account of the Atomic Energy Commission; industrial construction sponsored by the Atomic Energy Commission.
The National Advisory Committee for Aeronautics.	All construction by, or for the account of the National Advisory Committee for Aeronautics.
The Department of Defense.	Construction by or for the account of the Department of Defense and all military housing under Public Law 211, 81st Congress; Navy construction; Army construction; Air Force construction, including but not limited to projects of an industrial nature financed by the Air Force; military command construction.
General Services Administration.	Federal buildings and facilities, except as otherwise specifically designated in this table, including buildings and facilities constructed by private interests and capital, where a predominant portion of the premises is designed and intended to be used under lease for extended periods by Federal Government Agencies.
The Secretary of the Army.	Civil Works Corps of Engineers projects; the Panama Canal Company; Domiciliary Building, Old Soldiers' Home.
The Administrator of the Federal Civil Defense Administration.	Buildings, structures, or projects which are to be used exclusively for civil defense purposes.
The Defense Materials Procurement Administrator.	Facilities for the production and processing of the source materials listed in column II of the commodities listed in column I of Appendix A to NPA Delegation 5.

[F. R. Doc. 52-1969; Filed, Feb. 14, 1952; 12:13 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4902 et al.]

CONSOLIDATED FLOWER SHIPMENTS, INC.,
BAY AREA ET AL.

AMENDED NOTICE OF HEARING

In the matter of the investigation of the activities and practices of Consolidated Flower Shipments, Inc., Bay Area, and others.

Notice is hereby given that the notice of hearing issued in the above-entitled proceeding on February 7, 1952, is hereby amended to include John C. Barulich and William Zappettini as co-Respondents with Consolidated Flower Shipments, Inc., Bay Area in this proceeding. Accordingly, subparagraphs 1 and 2 of paragraph 2 of the February 7, 1952, hearing notice are amended to read as follows:

1. Have Respondents engaged or are they engaging indirectly in air transportation in violation of the provisions of the act, particularly section 401 (a) thereof, and Part 298 of the Board's Economic Regulations?

2. If any such violation is established, whether the Board should issue an order directing Respondents to cease and desist from engaging in indirect air transportation within the meaning of the act, or such other or further order or orders as may be necessary to compel compliance by Respondents with the provisions of the act and the Board's Economic Regulations?

Dated at Washington, D. C., February 11, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-1909; Filed, Feb. 14, 1952; 8:50 a. m.]

[Docket No. 4762 et al.]

PIEDMONT AVIATION, INC.

NOTICE OF ORAL ARGUMENT REGARDING RENEWAL OF TEMPORARY CERTIFICATE

In the matter of the renewal of the temporary certificate of public convenience and necessity for route No. 87 held by Piedmont Aviation, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 18, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 12, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-1910; Filed, Feb. 14, 1952; 8:50 a. m.]

[Docket No. 4493 et al.]

BRISTOL BAY AREA TRUNK LINE CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of applications under section 401 of the Civil Aeronautics Act of 1938, as amended, for certificates and amendment of certificates of public convenience and necessity authorizing scheduled air transportation of persons, property, and mail.

Notice is hereby given that hearing in the above-entitled proceeding is postponed from February 18, 1952, to March 3, 1952, at 10:00 a. m., e. s. t., in Room 5859, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., February 8, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-1860; Filed, Feb. 14, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 418]

PUERTO RICO: SPECIAL INDUSTRY
COMMITTEE No. 11

APPOINTMENT OF NEW MEMBER

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby appoint Raul G. Mendez, San Juan, Puerto Rico, to serve as an employer member of Special Industry Committee No. 11 for Puerto Rico.

Belarmino Suarez and Raul G. Mendez shall not serve concurrently as members of the Committee.

Signed at Washington, D. C., this 4th day of February, 1952.

Wm. R. McComb,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-1894; Filed, Feb. 14, 1952;
8:43 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[DTA-Delegation 8]

DIRECTOR, BUREAU OF WATER CARRIERS
AND FREIGHT FORWARDERS, INTERSTATE
COMMERCE COMMISSION

DELEGATION OF AUTHORITY WITH RESPECT
TO INLAND WATER TRANSPORTATION AND
PORT UTILIZATION

Pursuant to sections 703 and 710 of the Defense Production Act of 1950, as amended (50 U. S. C. App. Sup. §§ 2153, 2160), section 902 of Executive Order 10161 (15 F. R. 6105), and Organization Order DTA 1, as amended (15 F. R. 6728, 17 F. R. 1308):

There is hereby delegated to the Director of the Bureau of Water Carriers and Freight Forwarders of the Interstate Commerce Commission so much of the authority to perform the functions and exercise the power conferred upon the Defense Transport Administration by or pursuant to Executive Orders Nos. 10161, 10200, 10219, and 10324, and section 2 of said Organization Order DTA 1, as amended, as is necessary to perform the following functions:

(1) Conduct surveys of, and furnish reports on, the adequacy of inland water transportation and port services and on the shortages and available supply of manpower, equipment, parts, materials, and supplies for all inland water transportation and port facilities and services subject to the jurisdiction of the Defense Transport Administration;

(2) Organize and supervise inland water transport or port utilization committees;

(3) Attend meetings involving inland water transportation and port utilization subjects and problems;

(4) Check individual applications made to the Defense Transport Admin-

istration by persons engaged in or using inland water transportation or port services;

(5) Give information to the public concerning the activities, plans, programs, measures, and procedures of Defense Transport Administration with particular reference to inland water transportation and port services and facilities;

(6) Make recommendations as to issuance of appropriate emergency, temporary, or special authorities provided for by formal general or special orders of the Defense Transport Administration;

(7) Obtain and report to the Defense Transport Administration such information respecting or affecting the operations, practices, and business of any inland water transport or port facility operator as may be required by any request, direction, or order issued by the Defense Transport Administration; and

(8) In accordance with requests or directions from the Defense Transport Administration or in accordance with and as authorized by any formal general or special order issued by the Defense Transport Administration, supervise, regulate, or control all forms of inland water transportation and port facilities and services, both private and for-hire, and effect the coordination of inland transportation with ocean shipping in the utilization of port facilities.

The Director may perform the functions and exercise the power conferred upon him by this delegation through such agencies, officers, and employees of the Government, and in such manner as he may determine.

The exercise of the powers and authority conferred hereby shall be subject to the control and supervision of the Administrator, and the respective Directors of the Inland Water Transport Division and the Port Utilization Division, of the Defense Transport Administration.

This delegation shall be effective forthwith.

Issued at Washington, D. C., this 13th day of February 1952.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 52-1953; Filed, Feb. 14, 1952;
11:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1651]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF AMENDED APPLICATION

FEBRUARY 11, 1952.

Take notice that on February 4, 1952, Pacific Gas and Electric Company (Applicant), a California corporation, address, 254 Market Street, San Francisco 6, California, filed an amended application in Docket No. G-1651 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the con-

struction and operation of certain transmission pipeline facilities herein-after described.

Applicant proposes to transport an additional 150,000,000 cubic feet of natural gas per day through its existing pipeline system, extending from the Arizona-California border near Topock, Arizona, to Milpitas, California. In order to transport this additional volume of gas, Applicant proposes to construct 86.25 miles of 34-inch loop line and to install 19,540 horsepower of additional compressor capacity on the said Topock-Milpitas pipeline system.

The estimated cost of the proposed facilities is \$13,428,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of February 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1865; Filed, Feb. 14, 1952;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-762]

BANKERS SECURITIES CORP.

NOTICE OF APPLICATION FOR EXTENSION OF
TIME LIMITATIONS FOR MAILING OF CERTAIN
REPORTS TO STOCKHOLDERS

FEBRUARY 11, 1952.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), an investment company registered under the Investment Company Act of 1940, located at No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, has filed an application pursuant to section 6 (c) of the act for an order of the Commission extending the time limitations contained in Rule N-30D-1 (a) of the general rules and regulations under the act for the mailing of certain reports to its stockholders.

Bankers has also included a request in its application pursuant to section 6 (c) of the act for an order of the Commission generally extending the time limitations contained in Rule N-30D-1 (a) for the mailing of certain future reports to its stockholders.

Rule N-30D-1 (a) under the act provides, in part, that at least semi-annually every registered investment company shall mail to each stockholder of record a report containing certain information and shall mail such report within 30 days after the date as of which the report is made except that if the reporting company is a non-diversified company having one or more majority-owned subsidiaries which are not investment companies, the report may be mailed within 60 days after the date as of which it is made or within such longer period of time as the Commission may permit by order upon application.

Bankers is a closed-end, non-diversified management investment company registered under the act. It has one or more majority-owned subsidiaries which are not investment companies. It operates a group of five hotels as a hotel division and a department store business known as "Snellenburg's" as a mercantile division.

Bankers represents in its application that the fiscal year of Bankers has been changed from December 31 to January 31 to conform its fiscal year with that customary in the department store field, that the Snellenburg inventory will be valued by Bankers on a "life" basis, that the indices of the Bureau of Labor Statistics necessary for life adjustments as at January 31 will not be available until April and such indices as at July 31 will not be available until October and that audits by the independent certified public accountants of Bankers must be delayed until the Snellenburg inventory can be valued on the basis of applicable Bureau of Labor Statistics indices.

Bankers requests an order of the Commission to permit an extension of 90 days for the mailing by Bankers of its December 31, 1951, report to stockholders (the date as of which such report is made) and an extension of an additional 60 days in the mailing by Bankers of its July 31, 1952, report to stockholders.

Bankers also requests an order of the Commission to permit Bankers to mail within a period of 120 days from January 31 and July 31 all future reports to stockholders beginning with the report to be dated as of January 31, 1953.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after February 29, 1952, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 27, 1952, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P. R. Doc. 52-1896; Filed, Feb. 14, 1952;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26790]

PREFABRICATED HOUSES FROM DALLAS, TEX.,
TO POINTS IN THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Prefabricated or portable wooden houses, knocked down in flat sections, carloads.

From: Dallas, Tex.

To: Auburn, Ala., Clover, S. C., and Gastonia, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[P. R. Doc. 52-1871; Filed, Feb. 14, 1952;
8:46 a. m.]

[4th Sec. Application 26791]

COAL FROM ALABAMA MINES TO
BOYKIN, FLA.

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, J., Agent, for the Gulf, Mobile and Ohio Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Coal, bituminous, carloads.

From: Mines in Alabama on the Louisville and Nashville and Gulf, Mobile and Ohio Railroads.

To: Boykin, Fla.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: Agent C. A. Spaninger's tariff I. C. C. No. 1247, Supp. 8; G. M. & O. R. R. tariff I. C. C. No. 231, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[P. R. Doc. 52-1872; Filed, Feb. 14, 1952;
8:46 a. m.]

[4th Sec. Application 26792]

ALCOHOL FROM POINTS IN TEXAS TO
MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Alcohol and related articles, carloads.

From: Points in Texas.

To: Onalaska, Wis., and Scotchline Siding, Minn.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3721, Supp. 205.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day

period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1873; Filed, Feb. 14, 1952;
8:46 a. m.]

[4th Sec. Application 26793]

**VERMICULITE AND PERLITE BETWEEN
POINTS IN SOUTHERN TERRITORY**

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Alternate Agent A. H. Carson's tariff I. C. C. No. 108.

Commodities involved: Vermiculite fines and perlite fines, in bulk, bags, or boxes, carloads.

Between: Points in southern territory.
Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: A. H. Carson's tariff I. C. C. No. 108, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1874; Filed, Feb. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26794]

**IRON OR STEEL ARTICLES FROM SPARROWS
POINT, MD., TO HOUSTON, TEX.**

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Iron or steel parts for gas water heaters and hydro-pneumatic tanks, carloads.

From: Sparrows Point, Md.
To: Houston, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3899, Supp. 84.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1875; Filed, Feb. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26795]

**FRESH MEATS AND PACKING HOUSE PROD-
UCTS FROM FREMONT, NEBR., TO CERTAIN
POINTS**

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3588.

Commodities involved: Fresh meats and packing-house products, carloads.

From: Fremont, Nebr.

To: Points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3588, Supp. 159.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may pro-

ceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1876; Filed, Feb. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26796]

**IRON AND STEEL ARTICLES FROM POINTS IN
OHIO AND KENTUCKY TO ORANGEBURG,
S. C.**

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, carloads.

From: Cincinnati, Ohio, Lima, Ohio, Ky., and Portsmouth, Ohio (when originating at Cleveland, Ohio).

To: Orangeburg, S. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 243.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1877; Filed, Feb. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26797]

**COAL FROM DUNLAP, KY., TO OFFICIAL
TERRITORY**

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chesapeake and Ohio Railway Company.

Commodities involved: Coal, bituminous and cannel, and coal briquettes, carloads.

From: Dunlap, Ky.

To: Points in official territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1878; Filed, Feb. 14, 1952;
8:47 a. m.]

[4th Sec. Application 26798]

SODA ASH FROM GULF PORTS TO SAVANNAH
AND PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167 and Agent F. C. Kratzmeier's tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Soda ash, carloads.

From: Baton Rouge, North Baton Rouge, and Lake Charles, La., and Corpus Christi, Tex.

To: Savannah and Port Wentworth, Ga.

Grounds for relief: Competition with water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the

Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1879; Filed, Feb. 14, 1952;
8:48 a. m.]

[4th Sec. Application 26799]

MOTOR-RAIL-MOTOR RATES BETWEEN
CONN., MASS., AND N. Y.

APPLICATION FOR RELIEF

FEBRUARY 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and National Transportation Company.

Commodities involved: All commodities.

Between: Bridgeport, Hartford, New London, Conn., and Springfield, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1880; Filed, Feb. 14, 1952;
8:48 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 61]

WESTERN MARYLAND RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Western Maryland Railway Company, because of adverse shipping conditions, is unable to dispose of

the cars of coal routed over its lines in accordance with King's ICC Order No. 55 (issued under Revised Service Order No. 562), in the normal manner, at its pier facilities at Port Covington, Maryland. It is ordered, That:

(a) Rerouting of traffic: The Western Maryland Railway Company, in order to prevent congestion at its pier facilities at Port Covington, Maryland, is hereby authorized to dump, not later than February 16, 1952, on the barge "Pat Sheridan" for coastwise movement, not more than 90 cars of anthracite or bituminous coal or slag now on hand at its Port Covington piers.

(b) Concurrence of The Baltimore and Ohio Railroad Company to be obtained: The railroad named, desiring to dump traffic under this order, shall confer with the proper transportation officer of the railroad from which such traffic was diverted or rerouted, and shall receive the concurrence of such other railroad before the dumping is ordered.

(c) Notification to shippers: The carrier dumping cars in accordance with this order shall notify each shipper at the time each car is dumped and shall furnish to such shipper the new movement provided under this order.

(d) Inasmuch as the dumping of traffic by said Agent is deemed to be due to carrier's disability, the rail rates applicable to traffic dumped shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rail rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p. m., February 8, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., February 16, 1952, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 8, 1952.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52-1882; Filed, Feb. 14, 1952;
8:48 a. m.]